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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 90-044]

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine (PPQ) by adding commuted traveltime allowances for two locations in Mississippi. Commuted traveltime allowances are the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by PPQ employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of the commuted traveltime for these locations.

EFFECTIVE DATE: April 23, 1990.

FOR FURTHER INFORMATION CONTACT: Paul R. Eggert, Director, Resource Management Support Staff, PPQ, APHIS, USDA, room 623, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals and animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of PPQ on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by adding commuted traveltime allowances for two locations in Mississippi. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register.**

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260, 49 U.S.C. 1741; 7 CFR 2.17, 2.51 and 371.2(c).

2. Section 354.2 is amended by adding in the table, in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
Add:			
•	•	•	•
Mississippi:			
•	•	•	•
Greenville	Jackson		5
•	•	•	•
Jackson		1	
•	•	•	•

Done in Washington, DC., this 17th day of April 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-9266 Filed 4-20-90; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 082CE, Special Condition 23-ACE-53]

Special Conditions; Piper Model PA-46 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are being issued to become part of the type certification basis for the Piper Model PA-46 Series airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These novel and unusual design features include the installation of electronic displays and the protection of them from high energy radiated electromagnetic fields (HERF) for which the applicable regulations do not contain adequate or appropriate airworthiness standards. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: May 23, 1990.

FOR FURTHER INFORMATION CONTACT: Ervin E. Dvorak, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Service, Central Region, Federal Aviation Administration, Room 1544, 601 East 12th Street, Federal Office Building, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1989, Piper Aircraft Corporation made an application to the FAA for an amendment to the type certificate of the Model PA-46 Series airplane. The Model PA-46 airplane is a pressurized, single-engine turboprop, of conventional metal material, with 6 seats, with a maximum altitude of 25,000 feet. The installation incorporates an electronic attitude director indicator (EADI) and an electronic horizontal situation indicator (EHSI) on the pilot side of the instrument panel instead of the traditional mechanical or electromechanical displays providing similar information to the flight crew.

Type Certification Basis

The type certification basis for the Piper Model PA-46 Series airplane is as follows: Part 23 of the FAR, effective February 1, 1965, including amendments 23-1 through 23-25 and part 25, §§ 25.783(e), 25.831 (c) and (d) of amendment 25-41; part 36, effective December 1, 1969, as amended by amendments 36-1 through amendment 36-15; exemptions, if any; and the special conditions adopted herein.

Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101 do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane or installation. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.101(b)(2).

The proposed type design of the Piper Model PA-46 Series airplane contains a number of novel and unusual design features not envisaged by the applicable airworthiness standards. Special conditions are considered necessary because the applicable airworthiness standards do not contain adequate or appropriate safety standards for the novel or unusual design features of the Piper Model PA-46 Series airplane. These special conditions will also be applicable to all Piper Model PA-46 Series airplanes, including the installation of similar EFIS, without further amendment of the special conditions.

Electronic Flight Instrument System (EFIS)

The proposed cathode-ray tube (CRT) electronic display units will contain primary attitude, heading, and navigation cockpit displays. The cockpit instrument panel configuration would feature two displays, an EADI and an EHSI on the pilot side of the instrument panels. All other displays, i.e., airspeed, altitude, vertical speed, etc., on the pilot side will be conventional electromechanical instruments. On some later installations, another EADI and EHSI may be installed on the copilot side.

Emissive color on a CRT display will inevitably appear different than reflective colors on conventional electromechanical displays. Different intensities and color temperatures of ambient illumination will also affect the perceived colors. Therefore, display legibility must be adequate for all cockpit lighting conditions, including direct sunlight.

Features of this system are novel and unusual relative to the applicable airworthiness standards. Current small airplane airworthiness standards are based on "single-fault" or "fail-safe" concepts and, when promulgated, the FAA did not envision use of complex, safety-critical systems in small airplanes. The current small airplane airworthiness standards envisioned instruments that were single function; i.e., a failure would cause loss of only one instrument function, although several instrument functions may have been housed in a common case.

Flight instruments for the pilot are required to be grouped in front of the pilot so deviation from looking forward along the airplane flight path is minimized when the pilot shifts from viewing the flight path to viewing the flight instuments.

For instrument flight, the airplane must be equipped with the minimum flight instruments listed in the operating rules. This minimum listing of instruments includes all instruments that have long been accepted as the minimum for continued safe flight. When the current airworthiness standards of part 23 were written, only mechnical or electromechanical instruments that functioned independently for each parameter were envisioned. The requirements intended that airspeed, altitude, and magnetic compass information remain available to the pilot after total failure of the airplane's electrical power. Standby instruments for flight instruments are not required by the small airplane

airworthiness standards because the FAA has long accepted that the small airplane could be flown safely by using partial panel techniques following a single instrument failure. The basic airman certification program for an instrument flight rules (IFR) rating has long included requirements for the pilot to demonstrate the ability to fly the airplane safely following failure of any one of the previously cited instruments.

The special conditions will provide appropriate requirements for installation of electronic displays featuring design characteristics where a single malfunction or failure could affect more than one primary instrument, display, or system. The special conditions will also provide requirements to assure adequate reliability of system design functions that are determined to be essential for continued safe flight and landing of the airplane.

For installations where electronic displays take the place of traditional instruments, the reliability must not be less than that of the traditional instruments. This concerns the collective reliability of the traditional instruments rather than the reliability of a single traditional instrument. For this reason, the special conditions include requirements needed for their certification.

The special conditions will also require a detailed examination of each item of equipment/component of electronic display system, and installation of the system, to determine if the airplane is dependent upon its function for continued safe flight and landing or if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with these adverse operating conditions. Each component of the installation identified by such an examination as being critical to the safe operation of the airplane would be required to meet the special conditions.

The existing § 23.1309, which was incorporated into part 23 by amendment 23-14, dated December 20, 1973, has been used as a means of evaluating systems for those airplanes that include § 23.1309 in their type certification basis. The "no-single-fault" or "fail-safe" concept of § 23.1309, along with experience based on service-proven designs and good engineering judgment, have been used to successfully evaluate most airplane systems and equipment. The type certification basis for this airplane includes § 23.1309; however, the "single fault" concept does not provide an adequate means for determining and evaluating the effect of certain failure conditions that may exist in complex systems such as an EFIS installation. Therefore, the FAA considers it necessary to include the additional system analysis requirements in the certification basis. This will also allow the use of the "rational method" of safety analysis of the systems to assure a level of safety intended in the applicable requirements.

The development of rational methods for safety assessment of systems is based on the premise that an inverse relationship exists between the probability of a failure condition and its effect on the airplane. That is, the more serious the effect, the lower the probability must be that the related failure condition will occur. Rational methods for showing compliance for safety assessment of systems may be shown by the use of numerical analysis, but it is not mandatory. In many cases, adequate data is not available for preparing a stand-alone numerical analysis for showing compliance. Therefore, in small airplane certification, a rational analysis based on identification of failure modes and their consequences is frequently a more acceptable substantiation of compliance with the various required levels of system reliability than a numerical analysis alone.

If it is determined that the airplane includes systems that perform critical functions, it will be necessary to show that those systems meet more stringent requirements. These systems would be required to establish either that there will be no failures of that system or that a failure is extremely improbable. Critical functions means those functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane. These special conditions provide reliability requirements that are based on the criticality of the system's function and provide the airworthiness standards needed for certification of complex safety-critical systems being proposed for installation.

The special conditions also require that the occurrence of system(s) failures that would significantly reduce the airplane's capability or the ability of the crew to cope with adverse operating conditions, and thereby be potentially catastrophic, be improbable. It is recognized that any system(s) failure will reduce the airplane's or crew's capability by some degree, but that reduction may not be of the degree leading to potentially catastrophic results.

Protection of Systems From High Energy Radiated Electromagnetic Fields (HERF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state components in analog and digital electronic circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the high energy radiated electromagnetic fields (HERF) incident on the external surface of aircraft. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisioned when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

At present, aircraft certification requirements, as well as the industry standards for protection from the adverse effects of HERF, are inadequate in view of the aforementioned technological advances. In addition, some significant safety events have been reported of incidents and accidents involving military aircraft equipped with advanced electronic systems when they were exposed to electromagnetic radiation.

The combined effect of the technological advances in aircraft design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the aircraft. Effective measures against the effects of exposure to high energy radiated electromagnetic fields (HERF) must be provided by the design and installation of these systems. The primary factors that have contributed to this increased concern are:

(1) The increasing use of sensitive electronics that perform critical functions;

(2) The reduced electromagnetic shielding afforded airplane systems by advanced technology airframe materials;

(3) The adverse service experience of military airplanes that use these technologies; and

(4) The increase in the number and power of radio frequency emitters and expected future increases.

Cognizant of the need for aircraft certification standards to cope with the developments in technology and environment in 1986, the FAA initiated a high priority program:

(1) To determine and define the electromagnetic energy levels;

(2) To develop and describe guidance material for design, test, and analysis; and

(3) To prescribe and promulgate regulatory standards. The FAA sought and received the participation of international airworthiness authorities and industry to develop internationally recognized standards for certification.

At this time, the FAA and other airworthiness authorities have established an agreed level of HERF environment that the airplane is expected to be exposed to in service. While the HERF requirements are being finalized, the FAA has adopted special conditions for the certification of aircraft that employ electrical and electronic systems that perform critical functions. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HERF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HERF environment, defined below, or

FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10-500 KH$_z$	80	80
500-2000	80	80
2-30 MH$_z$	200	200
30-100	33	33
100-200	33	33
200-400	150	33
400-1000	8.3K	2K

FIELD STRENGTH VOLTS/METER—Continued

Frequency	Peak	Average
1-2 GH$_z$	9K	1.5K
2-4	17K	1.2K
4-6	14.5K	800
6-8	4K	666
8-12	9K	2K
12-20	4K	509
20-40	4K	1K

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions withstand a peak of electromagnetic field strength of 100 volts per meter (v/m) in a frequency range of 10KHz to 18GHz. When using a laboratory test to show compliance with the HERF requirements, no credit is given for signal attenuation due to installation.

In view of the revised HERF envelope, the requirement for the fixed value test has been changed to 100 v/m from the previously used value of 200 v/m. The applicant opting for the fixed value laboratory test, instead of the HERF envelope, may be subject to post certification reassessment based on the finalized rule requirements. The applicants should be cautioned that choosing 100 v/m may make it difficult, under post certification reassessment requirements, to qualify the installations without design upgrade. If the system should not meet the post certification reassessment requirements, additional protection provisions and/or testing may be required.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the aircraft. The systems that perform critical functions, as identified by the hazard analysis, are candidates for the application of HERF requirements. The primary electronic flight display and the full authority digital engine control (FADEC) systems are examples of systems that perform critical functions. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HERF requirements only apply to critical functions.

Compliance with HERF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HERF environmental condition. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HERF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

The modulation should be selected as the signal most likely to disrupt the operation of the system under test, based on its design characteristics. For example, flight control systems may be susceptible to 3 Hz square wave modulation while the video signals for electronic display systems may be susceptible to 400 Hz sinusoidal modulation. If the worse case modulation is unknown or cannot be determined, default modulations may be used. Suggested default values are a 1 KHz sine wave with 80% depth of modulation in the frequency range from 10 KHz to 400 MHz and 1 KHz square wave with greater than 90% depth of modulation from 400 MHz to 18 GHz. For frequencies where the unmodulated signal caused deviations from normal operation, several different modulating signals with various waveforms and frequencies should be applied.

Acceptable system performance is attained by demonstrating that the system under consideration continues to perform its intended function during and after exposure to required electromagnetic fields. Deviations from system specification may be acceptable and will need to be independently assessed for each application for approval by the FAA.

Conclusion

In review of the design features discussed for the installation in the Piper PA–46 Series airplane, the following special conditions are issued to provide a level of safety equivalent to that intended by the referenced airworthiness standards. This action is not a rule of general applicability and affects only the model/series of airplanes identified in these special conditions.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances (54 FR 43417; October 25, 1989), (54 FR 41955; October 13, 1989), (53 FR 14782; April 26, 1988), and (51 FR 37711; October 24, 1986). Also, special conditions with similar requirements have been promulgated

without public procedures because the FAA has determined that good cause existed for immediate adoption (55 FR 270; January 4, 1990) and (54 FR 51870; December 19, 1989). For this reason, and because a delay would significantly affect the applicant's installation of the system and the certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without further notice. Therefore, special conditions are being issued without substantive change for this airplane and made effective 30 days from the date of publication.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator of the Federal Aviation Administration, the following special conditions are issued as part of the type certification basis for the Piper Model PA–46 Series airplanes that incorporates an Electronic Flight Instrument System.

1. Electronic Flight Instrument Displays

In addition to, and instead of, the applicable airworthiness standards of Part 23 and requirements to the contrary, for instruments, systems, and installations whose design incorporates electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument display or system, and/or system design functions that are determined to be essential for continued safe flight and landing of the airplane, the following special condition applies:

(a) Systems and associated components must be examined separately and in relation to other airplane systems to determine whether the airplane is dependent upon its function for continued safe flight and landing and whether its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions. Each system and each component identified by this examination upon which the airplane is dependent for proper functioning to ensure continued safe flight and landing, or whose failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, must be designed and examined to comply with the following requirements:

(1) It must be shown that there will be no single failure or probable combination of failures under any foreseeable operating condition that would prevent the continued safe flight and landing of the airplane, or it must be shown that such failures are extremely improbable.

(2) It must be shown that there will be no single failure or probable combination of failures under any foreseeable operating condition that would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or it must be shown that such failures are improbable.

(3) Warning information must be provided to alert the crew to unsafe system operating conditions and to enable them to take appropriate corrective action. Systems, controls, and associated monitoring and warning means must be designed to minimize initiation of crew action that would create additional hazards.

(4) Compliance with the requirements of this special condition may be shown by analysis and, where necessary, by appropriate ground, flight, or simulator tests. The analysis must consider:

(i) Modes of failure, including malfunction and damage from foreseeable sources;

(ii) The probability of multiple failures, and undetected faults;

(iii) The resulting effects on the airplane and occupants, considering the state of flight and operating conditions; and

(iv) The crew warning cues, corrective action required, and the capability of detecting faults.

(5) Numerical analysis may be used to support the engineering examination.

(b) Electronic display indicators, including those incorporating more than one function, may be installed instead of mechanical or electromechanical instruments if:

(1) The electronic display indicators:

(i) Are easily legible under all lighting conditions encountered in the cockpit, including direct sunlight;

(ii) In any normal mode of operation, do not inhibit the primary display of attitude; and

(iii) Incorporate sensory cues for the pilot that are equivalent to those in the instrument being replaced by the electronic display units.

(2) The electronic display indicators, including their systems and installations, must be designed so that one display of information essential to safety and successful completion of the flight will remain available to the pilot, without need for immediate action by any crewmember for continued safe operation, after any single failure or probable combination of failures that is not shown to comply with paragraph (a)(1) of this section.

2. Protection of Electronic Flight Instrument Systems from High Energy Radiated Electromagnetic Fields (HERF)

(a) Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the airplane is exposed to high energy radiated electromagnetic fields external to the airplane.

(b) For the purposes of the above, the following definitions apply:

(1) Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri, on April 10, 1990.

Franklin L. Stogsdill,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–9329 Filed 4–20–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 89–NM–148–AD; Amendment 39–6581]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 747 series airplanes, which currently requires the installation of placards; inspections and repair, if necessary; mechanical and/or electrical tests and repairs, if necessary; special interim operating procedures; and modification of forward and aft lower lobe cargo doors. This action also requires modification of the visual warning systems for the forward and aft lower lobe cargo doors and for the side main deck cargo door, if installed. This supersedure is prompted by an accident in which the forward lower lobe cargo

door may have opened in flight, resulting in the uncontrolled decompression of the airplane. The FAA has determined that design changes are necessary to ensure that the cargo door warning system detects cargo doors that are not fully closed, latched, and locked.

EFFECTIVE DATE: May 29, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Airframe Branch, ANM-120S; telephone (206) 431-1931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by revising AD 89-05-54, Amendment 39-6166 (54 FR 11937; March 23, 1989), applicable to Boeing Model 747 series airplanes, to add a requirement to modify the warning systems for the forward and aft lower lobe cargo doors, and for the side main deck cargo door, if installed, was published in the **Federal Register** on October 12, 1989 (54 FR 41846).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, and five other commenters, including the National Transportation Safety Board (NTSB), expressed concern or objection to the proposed requirement for the cockpit warning signal. Some commenters requested that the requirement for a red-colored light be withdrawn from the rule; other commenters requested that the signal light be amber rather than red. These commenters pointed out that a red light warning indication may have a negative effect on safety in that it could trigger precipitous actions by the crew, not justified by an unlocked indication of a cargo door. For example, if the red indication light were annunciated at or about takeoff speed, the crew may react by commanding an aborted takeoff which, in itself, is a potentially hazardous situation. The FAA does not concur that the proposed requirement for a cockpit warning signal be withdrawn, but does concur that the signal should be amber rather than red. Federal Aviation Regulations (FAR) § 25.1322 specifies that only those warning signals indicating a hazard, which requires immediate corrective action, are to be red. The intent of the cockpit signal proposed in this rulemaking action is to serve as a cautionary signal; therefore, in accordance with FAR 25.1322, it is more appropriate that the color of the signal be amber. Paragraph E. of the final rule has been revised accordingly.

The Air Line Pilots Association (ALPA), on behalf of its members, and some operators agreed with the proposed requirement that a visual warning signal for flight crewmembers be located on a forward panel. The manufacturer and one operator disagreed, stating that the three crewmembers operate in a coordinated manner and a warning light appearing to the flight engineer is a warning to all three crewmembers. Also, the warning light on the pilot's main panel will accentuate the cargo door light during takeoff, thereby increasing the probability of an inappropriate rejected takeoff, which would be a step backward in safety. The FAA does not concur. The additional signal, located on a forward panel, will allow for a conceivable human error in not detecting a cargo door unlocked condition. Also, those airplanes utilizing the Engine Indication and Crew Alerting System (EICAS) will already have the warning signal forward of the flight crewmembers.

The NTSB, ALPA, and three other commenters agreed with the need for the proposed modification of the cargo door warning system to reflect the door status of closed, latched, and locked. However, the manufacturer did not agree that the cargo door warning system currently installed on the affected airplanes needs to be modified. The manufacturer stated that increasing the complexity of the warning system so that it will be capable of sensing the additional latching function will not increase the safety of the door. The existing system senses the position of the pressure relief doors which are at the end of the door locking mechanism chain and cannot be closed unless the door latches have rotated to the closed position. Also, the modified lock sectors will withstand attempts to backdrive the latches after the door has been closed, latched, and locked. The FAA does not concur that the current warning system is adequate under all circumstances, and has determined that it may give a false closed, latched, and locked indication to the flight crewmembers. The modification required by this AD action will ensure that the cargo door warning system detects cargo doors that are not fully closed, latched, and locked.

One commenter requested that a specific design for the ground crew signal be adopted in the final rule, which would consist of a warning light that would be extinguished when the door is unlatched and would illuminate when the door is fully latched closed. With such a design, ground personnel would look for the light to illuminate when the door is closed and latched prior to locking the door manually. The FAA cannot concur with the commenter's request to specify this design as a requirement in the final rule, since some operators may have already developed other designs that meet the requirements of the rule.

The NTSB commented that the modification schedule should be promulgated as proposed, without significant increases in the modification time. The ATA, on behalf of its members, and one other commenter requested that the proposed compliance time of one year for modification of the cargo door warning system be changed to at least 18 months after a service bulletin and parts become available. These commenters suggested that since the current visual inspection program confirms that the doors are properly closed, latched and locked, the additional time will not in any way reduce the level of safety; the increased compliance time would also permit modification during scheduled maintenance periods without incurring additional maintenance costs due to special handling. The FAA does not concur with extending the compliance time to 18 months after the release of the service bulletin and parts availability. However, since the FAA has recently accepted a modification design proposed by the manufacturer, the FAA has determined that the compliance time may be extended to 18 months after the effective date of the AD to allow for the related service bulletin to be prepared and distributed, and for the required parts to be made available to affected operators. The final rule has been revised to reflect this change.

One commenter recommended that the AD not be issued until such time as the manufacturer has developed and the FAA has approved a service bulletin with the modifications instructions. Premature release of the AD could force the airlines to develop the modification on their own and place the burden of design and certification upon the airlines. The FAA does not concur. In accordance with FAR 21.99, the

manufacturer has submitted a design proposal to the FAA which has been accepted. The descriptive data will be made available to all operators when completed and the compliance time has been extended as noted above.

One commenter strongly opposed the restriction of power tools for manual door operation stating that a calibrated torque-limited power tool does not impose a safety hazard and that the use of power tools should be controlled by the airplane manufacturer's recommendations. The FAA does not concur with the use of power tools because they are prohibited for use in accordance with the FAA-approved type design data.

One commenter stated that the estimated parts and labor costs and grossly underestimated, particularly for the modification of airplanes which must be accomplished during revenue service and, therefore, the cost figures should be increased by a factor of 1.75. The FAA does not concur because the cost estimates only include parts and direct labor by an experienced crew, which are estimated by the manufacturer, and do not include lost revenue.

The NTSB suggested that a warning system of this nature be considered for non-plug cargo doors on all transport category airplanes. The FAA recognizes that this suggestion requires further review and will consider it in the FAA's review of all cargo doors. However, to include such a requirement in this AD action would be beyond the scope of the rule.

Since this AD makes significant substantive changes to the existing AD, the FAA has determined that its adoption as a revision to the existing AD may tend to cause confusion; and that, for this reason, it should be adopted as a supersedure of the existing AD. Accordingly, the final rule has been changed to reflect that it supersedes, rather than revises, the existing AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously noted. These changes do not increase the economic burden on any operator, nor increase the scope of the rule.

There are approximately 780 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 140 airplanes of U.S. registry will be affected by this AD. It is estimated that 20 of these airplanes have the side main deck cargo door installed. It will take approximately 90 manhours per airplane to accomplish the required actions. Those airplanes with the side main deck cargo door installed will require an additional 30 manhours. The average labor cost will be $40 per manhour. Parts are estimated at $1,700 per airplane. Parts for airplanes with the side main deck cargo door installed are estimated at an additional $400 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $774,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding AD 89–05–54, Amendment 39–6166 (54 FR 11937; March 23, 1989), with the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, line number 001 and subsequent, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inadvertent opening of lower lobe forward and aft cargo doors and the main deck side cargo door, if installed, accomplish the following, (paragraphs A. through D. apply to lower lobe cargo doors only):

A. Within the next 10 days after April 3, 1989 (the effective date of Amendment 39–6166, AD 89–05–54), install Boeing placards, P/N 27EBY115 for hook operation, and P/N 27EBY114 for latch operation, or equivalent, adjacent to the respective drive ports.

B. Except for airplanes that have been modified in accordance with Boeing service bulletins specified in paragraph D., below, or on which a production equivalent has been installed, within the next 10 days after April 3, 1989, accomplish the following:

1. Visually inspect for broken, bent, or otherwise damaged lock sectors which would affect the integrity of the door locking mechanism, and repair or replace damaged sectors prior to further flight, in accordance with FAA-approved procedures. This inspection must be repeated at intervals not to exceed 30 days, and after the next door opening following each manual operation of the door.

2. Conduct the mechanical and electrical system tests specified in Boeing Service Bulletin 747–52A2206, Revision 3, dated August 27, 1983, Revision 4, dated April 14, 1988, or Revision 5, dated March 30, 1989, paragraphs III.A. and B. Airplanes which fail mechanical and/or electrical tests must be repaired prior to further flight, in accordance with FAA-approved procedures. Repeat these tests at intervals not to exceed 30 days and repeat the electrical test after restoration of electrical power following manual operation.

C. Within the next 14 days after April 3, 1989, change the operating procedures for the lower lobe cargo door to include the requirements specified below, and thereafter comply with those revised procedures. The procedures required by this paragraph must be accomplished by qualified and trained mechanics, and the training program must be approved by the FAA Principal Maintenance Inspector (PMI). Methods for documentation of compliance with the following procedures must be approved by the FAA PMI.

1. Prior to takeoff following each operation of the door, conduct a visual verification, through the external viewports, to ensure proper engagement of the latching cams to ensure the door is fully latched closed. This information must be relayed to and acknowledged by the flight crew.

2. When operating the door manually, the cranking torque shall not exceed 70 inch-pounds, and power tools shall not be used to operate latch and hook mechanisms in the manual mode.

D. Within the next 30 days after April 3, 1989, accomplish the following:

1. For those airplanes specified in Boeing Alert Service Bulletin 747–52A2206, Revision 3, dated August 27, 1987, Revision 4, dated April 14, 1988, or Revision 5, dated March 30, 1989: Modify the doors in accordance with paragraphs III.H. through III.O. of the applicable revision of the service bulletin.

2. For these airplanes specified in Boeing Alert Service Bulletin 747–52A2209, dated August 27, 1987, Revision 1, dated April 14, 1988, or Revision 2, dated March 30, 1989:

Modify the doors in accordance with paragraphs III.E. through III.L. of the applicable revision of the service bulletin.

Accomplishment of these modifications constitutes terminating action for the repetitive requirements of paragraph B., above.

E. Within the next 18 months after the effective date of this Amendment, install a system which provides visual warning signals to alert flight crewmembers and ground crew personnel when forward and aft lower lobe cargo doors, and side main deck cargo door, if installed, are not fully closed, the latch cams are not rotated to the closed position, or the locks are not in the locked position. The warning system must monitor the door closed, latched, and locked condition directly. An amber visual warning signal for flight crewmembers must be located on a forward cockpit panel. Incorrect indication, either open or closed, must be improbable. The modification must be approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. Accomplishment of this modification constitutes terminating action for the special operating procedure required by paragraph C.1., above.

F. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note. The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment supersedes Amendment 39-6166, AD 89-05-54.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-9328 Filed 4-20-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-222-AD; Amendment 39-6583]

Airworthiness Directives; Boeing Model 737-400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 737-400 series airplanes, which requires modification of the auxiliary power unit (APU) instrumentation wiring. This amendment is prompted by reports that the APU exhaust gas temperature (EGT) indication incorrectly read "zero" following an APU shutdown, including an APU shutdown associated with an aborted APU start. This condition, if not corrected, could result in undetected overtemperature damage to the APU rotor structure, which could then result in rotor failure and possible structural damage to the airplane.

EFFECTIVE DATE: May 29, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Bray, Propulsion Branch, ANM-140S; telephone (206) 431-1969. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 737-400 series airplanes, which requires modification of the APU EGT instrumentation wiring in a manner that will assure continuous APU EGT indication to the flight compartment following all APU shutdowns, was published in the **Federal Register** on January 4, 1990 (55 FR 305).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The Air Transport Association (ATA) of America expressed no objection with the content of the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 55 Model 737-400 series airplanes of the affected design in the worldwide fleet. It is estimated that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $7,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 737–400 series airplanes, certificated in any category. Compliance required within the next 1,000 hours time-in-service after the effective date of this AD, unless previously accomplished.

To prevent auxiliary power unit (APU) rotor failure resulting from an undetected EGT overtemperature condition, accomplish the following:

A. Modify the APU instrumentation wiring in a manner that will assure continuous flight-compartment APU exhaust gas temperature (EGT) indication following a shutdown. The modification must be accomplished in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–9327 Filed 4–20–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–136–AD; Amendment 39–6582]

Airworthiness Directives; McDonnell Douglas Model DC–10–10 and –15 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Model DC–10–10 and –15 series airplanes, which requires reducing the wear limit of the main landing gear brakes to 0.60 inch. This amendment is prompted by reports of dynamometer testing and analysis which revealed that the current wear limit is inadequate to provide enough braking to accomplish a maximum energy rejected takeoff (RTO) stop. This condition, if not corrected, could result in the loss of the main landing gear brakes.

EFFECTIVE DATE: May 29, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Razzeto, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM–131L, FAA Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (213) 988–5355.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to DC–10–10 and –15 series airplanes, which requires reducing the wear limit of the main landing gear brakes to 0.60 inch, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on September 20, 1989 (54 FR 38691) and as a Supplemental NPRM on January 11, 1990 (55 FR 1045).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Six airline operators requested a 90-day compliance time for imposition of a 1.00 inch allowable brake wear limit and 180 days for imposition of the proposed 0.60 inch allowable break wear limit. The reasons presented for the two different wear limits and longer compliance time were that brake overhaul shops cannot absorb the increased work because of manpower limitations, and that parts shortages are anticipated, as the proposed AD will probably triple the brake replacement requirements. In addition, these commenters stated that there are not enough spare brakes to keep the fleet in service during the transition to the lower allowable brake wear limit and, because of this, service to the public could be interrupted. These commenters also indicated that the wear limits and compliance time for the proposed AD were not consistent with those for AD 90–01–C1, Amendment 39–6431 (54 FR 53048; December 27, 1989), which is a similar AD applicable to Model DC–10–30 series airplanes. AD 90–01–01 provides for a 90-day compliance time and a "two-stage" incorporation of reduced brake wear limits (initially a limit of .75 inch, and later, a limit of .5 inch). Upon consideration, the FAA concurs that the compliance time for the reduction of brake wear limits may be extended and that initiation of the new brake wear limits may be accomplished in two phases, without adversely affecting safety. The final rule has been revised to require reduction of the brake wear limit to 1.00 inch within 90 days, and further reduction of the wear limit to .60 inch within 120 days.

Six airline operators requested that the proposal be revised to include two different allowable brake wear limitations. They stated that airplanes operating at a kinetic energy (KE) of 597 million foot-pound (maximum certified aircraft KE) should be limited to 0.6 inch of brake wear limit, and airplanes operating at or below a KE of 490 million foot-pound (reduced aircraft KE) should be limited to 1.1 inch brake wear limit. Their proposal is based on the results of laboratory RTO tests which they believe show that the existing equipment can safely operate at a lower airplane KE, 490 million foot-pound, with 1.1 inch of wear on the brake stack. These operators stated that many airplanes in the DC–10–10 fleet operate at this reduced KE and Douglas Aircraft Company has offered to provide data for incorporation into the Approved Airplane Flight Manuals. The FAA does not concur with granting general relief to this limitation, as the commenters have suggested, but will consider alternate means of compliance, under the provisions of paragraph E. of the final rule, on a case-by-case basis.

Numerous commenters suggested that the cost impact of the proposed AD will far exceed the total impact of $9,200 as stated in the Notice, and requested that the FAA re-evaluate the actual costs, including parts costs. The FAA concurs. The cost of parts was inadvertently omitted in the preamble to the Notice. The economic impact analysis paragraph, below, has been revised to include the cost of parts.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 134 Model DC–10–10 and –15 series airplanes of the affected design in the worldwide fleet. It is estimated that 115 airplanes of U.S.

registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of parts to accomplish the change to the new wear limit is estimated to be $32,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,689,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to Model DC–10–10 and –15 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of the main landing gear brakes, accomplish the following:

A. Within 90 days after the effective date of this amendment, inspect Airplanes Braking Systems (formerly Loral, formerly Goodyear) brakes, part numbers 5000709–1, –3, –5, –7, and –8, for wear. Any brake worn more than 1.00 inch must be replaced, prior to further flight, with one within this limit.

B. Within 90 days after the effective date of this amendment, incorporate the 1.00 inch brake wear limit into the FAA-approved maintenance inspection program.

C. Within 120 days after the effective date of this amendment, inspect Airplanes Braking Systems (formerly Loral, formerly Goodyear) brakes, part numbers 5000709–1, –3, –5, –7, and –8, for wear. Any brake worn more than 0.60 inch must be replaced, prior to further flight, with one within this limit.

D. Within 120 days after the effective date of this amendment, incorporate the 0.60 inch brake wear limit into the FAA-approved maintenance inspection program.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–9324 Filed 4–20–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–240–AD; Amendment 39–6584]

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes and Model MD–88 Airplanes, Fuselage Numbers 1071 Through 1644

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes and Model MD–88 airplanes, which requires inspection and modification of the electrical bonding straps for the overhead stowage compartment support rail assembly to preclude premature chafing of electrical wiring in the cabin overhead area. This amendment is prompted by reports of electrical shorting and smoke emanating from the passenger compartment ceiling area. This condition, if not corrected, could result in fire on board the airplane above the cabin overhead stowage compartments.

EFFECTIVE DATE: May 29, 1990.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager, Technical Publications, C1–HCW (54–60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Alan T. Shinseki, Aerospace Engineer, ANM–1321L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (213) 988–5343.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes and Model MD–88 airplanes, which requires a one-time inspection and modification of the bonding strap installation for the overhead stowage compartment support rail assembly, was published in the **Federal Register** on December 19, 1989 (54 FR 51892).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, on behalf of its member operators, commented that the applicability of the final rule should only include those airplanes listed in McDonnell Douglas MD–80 Alert Service Bulletin A25–309, since airplanes other than those listed are equipped with a different type of stowage compartment bin. The FAA concurs and has revised the applicability statement of the final rule accordingly.

ATA also commented that another member requested that the compliance period be extended from the proposed 12 months to 5 years so that the modification can be accomplished during a heavy base visit when the subject compartments are routinely

removed. ATA suggested that if this member's request is denied, then the compliance period should be extended to 18 months after the effective date of the final rule to allow operators to accomplish the required inspection and modification during a scheduled "C" check. The FAA does not agree with the ATA member's request for an extension of the compliance time to 5 years; however, the FAA concurs with ATA's suggestion that the proposed compliance period be extended to 18 months. This extension will provide for time to accomplish the requirements of the AD at a time when airplanes are at a main base for an extended hold and where special equipment and trained personnel are available. The final rule has been revised accordingly.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 556 McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. It is estimated that 313 airplanes of U.S. registry will be affected by this AD, that it will take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $375,600.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes and Model MD–88 airplanes, Fuselage Numbers 1071 through 1644, certificated in any category. Compliance is required within 18 months after the effective date of this airworthiness directive (AD), unless previously accomplished.

To eliminate a potential fire ignition source in the main cabin above the overhead stowage compartment area, accomplish the following:

A. Visually inspect the left and right overhead stowage compartment rail assemblies in the vicinity of each electrical bonding strap for evidence of arcing, burning, or chafing to electrical wiring. If damage is found, prior to further flight, repair the electrical wires in accordance with McDonnell Douglas MD–80 Maintenance Manual, Chapters 20–50–01 and 20–50–02.

B. Modify the electrical bonding strap installation of the left and right overhead stowage compartment rail assemblies in accordance with the Accomplishment Instructions of McDonnell Douglas MD–80 Alert Service Bulletin A25–309, dated October 30, 1989.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Avionics Inspector (PAI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager, Technical Publications, C1–HCW (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–9326 Filed 4–20–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 89–AGL–7]

Transition Area Establishment—Vermillion, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Vermillion, SD, transition area to accommodate a new NDB Runway 30 Standard Instrument Approach Procedure (SIAP) to Harold Davidson Field Airport, Vermillion, SD. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 u.t.c., June 28, 1990.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7899.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 6, 1989, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Vermillion, SD (54 FR 13896).

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a transition area airspace near Vermillion, SD. This transition area is being established to accommodate a new NDB Runway 30 SIAP to Harold Davidson Field Airport, Vermillion, SD.

The development of this procedure requires that the FAA alter the designated airspace to insure that the procedure may be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Vermillion, SD [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harold Davidson Field Airport, Vermillion, SD (lat. 42°46'00" N., long. 96°56'00" W.), and within 4.25 miles each side of the 119° bearing from the airport extending from the 5-mile radius to 8.5 miles southeast of the airport; excluding that portion which overlies the Sioux City, IA, transition area.

Issued in Des Plaines, Illinois, on April 12, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90-9333 Filed 4-20-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26179; Amdt. No. 1423]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as folows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies

the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC on March 30, 1990.

Daniel C. Beaudette,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: Section 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective June 28, 1990*

Oakland, CA—Metropolitan Oakland Intl, VOR RWY 9R, Amdt. 6
McMinnville, OR—McMinnville Muni, NDB RWY 22, Amdt. 2
McMinnville, OR—McMinnville Muni, ILS RWY 22, Amdt. 2
McMinnville, OR—McMinnville Muni, VOR/DME-B, Amdt. 4
Reno, NV—Reno Cannon Intl, LOC/DME BC-B, Amdt. 7, CANCELLED
Reno, NV—Reno Cannon Intl, LOC/DME BC RWY 34L, Orig.

** * * Effective May 31, 1990*

Artesia, NM—Aretsia Muni, NDB RWY 12, Amdt. 1
Artesia, NM—Aretsia Muni, NDB RWY 30, Amdt. 1

** * * Effective May 3, 1990*

Mountain Home, AR—Baxter County Regional, RNAV RWY 5, Orig.
Kamuela, HI—Waimea-Kohala, VOR-A, Amdt. 10
Alton/St. Louis, IL—St. Louis Regional, LOC BC RWY 11, Amdt. 7
Elkhart, IN—Elkhart Muni, VOR RWY 9, Amdt. 3
Elkhart, IN—Elkhart Muni, VOR RWY 27, Amdt. 10
Elkhart, IN—Elkhart Muni, SDF RWY 27, Amdt. 4
Elkhart, IN—Elkhart Muni, RNAV RWY 17, Amdt. 3
LaPorte, IN—LaPorte Muni, RNAV RWY 20, Amdt. 4
Michigan City, IN—Michigan City, VOR-A, Amdt. 3
South Bend, IN—Michiana Regional, VOR RWY 18, Amdt. 7
South Bend, IN—Michiana Regional, NDB RWY 27, Amdt. 28
South Bend, IN—Michiana Regional, ILS RWY 9, Amdt. 6
South Bend, IN—Michiana Regional, ILS RWY 27, Amdt. 34
South Bend, IN—Michiana Regional, RADAR-1, Amdt. 9
Clinton, IA—Clinton Muni, VOR RWY 3, Amdt. 13
Clinton, IA—Clinton Muni, VOR/DME RWY 21, Amdt. 8
Clinton, IA—Clinton Muni, NDB RWY 3, Amdt. 5
Clinton, IA—Clinton Muni, NDB RWY 14, Amdt. 3
Clinton, IA—Clinton Muni, ILS RWY 3, Amdt. 2
Niles, MI—Jerry Tyler Meml, VOR RWY 3, Amdt. 7
Niles, MI—Jerry Tyler Meml, VOR RWY 21, Amdt. 3
Omaha, NE—Eppley Airfield, ILS RWY 17, Amdt. 4
Portales, NM—Portales Muni, NDB RWY 1, Orig.
Lawton, OK—Lawton Muni, ILS RWY 35, Amdt. 5
Lawton, OK—Lawton Muni, RADAR-1, Amdt. 2
College Station, TX—Easterwood Field, VOR or TACAN RWY 10, Amdt. 17
College Station, TX—Easterwood Field, VOR/DME RWY 28, Amdt. 9
College Station, TX—Easterwood Field, LOC BC RWY 16, Amdt. 3
College Station, TX—Easterwood Field, NDB RWY 34, Amdt. 9
College Station, TX—Easterwood Field, ILS RWY 34, Amdt. 9
Greenville, TX—Majors, VOR/DME-A, Amdt. 1
Greenville, TX—Majors, NDB RWY 17, Amdt. 3
Greenville, TX—Majors, ILS RWY 17, Amdt. 3
Greenville, TX—Majors, RNAV RWY 35, Amdt. 2
Rockport, TX—Aransas Co., VOR/DME or TACAN-A, Amdt. 7
Rockport, TX—Aransas Co., NDB 1 RWY 14, Amdt. 6
Rockport, TX—Aransas Co., NDB 2 RWY 14, Amdt. 2

** * * Effective March 19, 1990*

Colorado Springs, CO—City of Colorado Springs Muni, ILS RWY 35, Amdt. 36

** * * Effective March 15, 1990*

Juneau, AK—Juneau Intl, LDA-1 RWY 8, Amdt. 8

** * * Effective March 7, 1990*

Houston, TX—Houston Intercontinental, VOR/DME RWY 32R, Amdt. 13

** * * Effective December 7, 1989*

Oxford, MS—University-Oxford, NDB RWY 9, Amdt. 1.

[FR Doc. 90-9332 Filed 4-20-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Regulatory Program; Self-Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment concerns revision of the Indiana surface mining statute to authorize self-bonding by permit applicants. The intent of the amendment is to provide coal mine operators with an alternative means to ensure that the reclamation requirements of the Indiana program and their surface coal mining permits are met.

EFFECTIVE DATE: April 23, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, room 300, Minton-Capehart Federal Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204; Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana program.
II. Submission of amendments.
III. Director's findings.
IV. Disposition of comments.
V. Director's decision.
VI. Procedural determinations.

I. Background on the Indiana Program

The Secretary of the Interior conditionally approved the Indiana program effective July 29, 1982. Information on the background of the Indiana program, including the Secretary's findings, the disposition of public comments and a detailed explanation of the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32071). Subsequent actions concerning the conditions of approval and program amendments are identified in 30 CFR 914.15 and 914.16.

II. Submission of Amendments

On March 18, 1988, (Administrative Record No. IND–0559A), the Indiana Department of Natural Resources (IDNR) submitted to OSM pursuant to 30 CFR 732.17, a proposed State program amendment. The provisions of the amendment were included in three laws enacted by the 1988 Indiana General Assembly: Senate Enrolled Acts (SEA) Nos. 45, 121, and 231. By letter dated October 19, 1988, Indiana requested that OSM process each of the three laws separately as individual program amendments (Administrative Record No. IND–0611). By an undated letter received by OSM on May 9, 1989, the IDNR requested that the self-bonding and the bond pool fund provisions of SEA 231 be processed separately as individual State program amendments (Administrative Record No. IND-0643).

This notice pertains only to self-bonding which is set forth in sections 2 and 3 of SEA 231. Section 2 of SEA 231 amends IC 13–4.1–6–5 to authorize the director of the IDNR to accept self-bonds under IC 13–4.1–6.3. Section 3 of SEA 231 adds IC 13–4.1–6.3 as a new chapter to the Indiana Code (IC). Chapter 6.3 sets forth the provisions governing self-bonding including the conditions to be met by applicants and their corporate guarantors, the terms of acceptance for corporate guarantee and the requirements for indemnity agreements.

OSM announced receipt of the proposed amendment in the May 10, 1988, **Federal Register** (53 FR 16560) and, in the same notice, opened the public comment period and provided opportunity for a public hearing on its adequacy. The public comment period ended June 9, 1988. There were two requests for a public hearing concerning the March 18, 1988, submittal, and a hearing was held on June 6, 1988.

During the review of Indiana's proposed self-bonding amendment, OSM identified several concerns which were communicated to the State during a meeting held on September 21, 1989, (Administrative Record No. IND–0700). Indiana responded in a letter dated October 18, 1989, by submitting modifications to its proposed amendment (Administrative Record No. IND–0696). These modifications were introduced in the Indiana State legislature on January 3, 1990, as sections 5 and 6 of Senate Bill No. 52.

In the January 25, 1990, **Federal Register** (55 FR 2538) OSM reopened and extended the public comment period for Indiana's proposed amendment to provide the public an opportunity to reconsider the amendment's adequacy in light of the revisions submitted by IDNR. This extension of the public comment period closed on February 9, 1990.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Indiana program.

1. IC 13–4.1–6–5 Deposit of Cash, etc., in Lieu of Bond

Indiana has amended its program at IC 13–4.1–6–5 to authorize the director of the IDNR to accept a self-bond from an applicant for a permit under proposed IC 13–4.1–6.3, given the applicant has a suitable agent to receive service of process and a history of financial solvency and continuous operation. This provision is substantively identical to section 509(c) of SMCRA and the Secretary's rules at 30 CFR 800.23(b). OSM, therefore, finds that the State's revision at IC 13–4.1–6–5 is no less stringent than SMCRA and no less effective than the Federal regulations.

2. IC 13–4.1–6.3 Self-Bonding

Chapter 6.3 has been added to the Indiana code to govern self-bonding by the applicant for a permit or its corporate guarantor. Sections 1 through 7 of Chapter 6.3 set forth definitions of terms. These definitions are substantively identical to those found at 30 CFR 800.23(a). The definition of parent corporation has been omitted by the State because the self-bonding amendment does not make a distinction between parent and non-parent corporate guarantors. OSM, therefore, finds the proposed definitions no less effective than those at 30 CFR 800.23(a).

Section 8, which repeats the proposed provisions of IC 13–4.1–6–5, lists the conditions under which the director of the IDNR may accept a self-bond from the applicant or its corporate guarantor. To be acceptable, the applicant or its guarantor must (1) designate a suitable agent to receive service of process, (2) have been in continuous operation as a business entity for a period of not less than five years immediately preceding the time of application, (3) have met certain financial criteria and (4) submitted financial statements for the most recently completed fiscal year and any remaining completed quarters in the current fiscal year.

The amendment would authorize the director to accept an applicant for self-bonding if the applicant met one of the three following financial criteria:

(1) A current rating for its most recent bond issuance of "A" or higher;

(2) A tangible net worth of at least ten million dollars, a ratio of total liabilities to net worth of 2.5:1 or less, and a ratio

of current assets to current liabilities of 1.2:1 or greater; or

(3) Fixed assets in the United States of at least twenty million and a ratio of total liabilities to net worth of 2.5:1 or less, and a ratio of current assets to current liabilities of 1.2:1 or greater.

Financial statements for the most recently completed fiscal year must be accompanied by a report prepared by an independent certified public accountant that contains the accountant's audit or review opinion of the financial statements with no adverse opinion.

There are no substantive differences between Indiana's proposed conditions for acceptance of an applicant or its corporate guarantor and those found at 30 CFR 800.23(b). OSM, therefore, finds section 8 of the proposed amendment to be no less effective than the Federal rules.

Section 9 of chapter 6.3 sets the conditions under which the director may accept a written guarantee for an applicant's self-bond from a corporate guarantor. The guarantor must meet all requirements in section 8 which are discussed above. The applicant must meet all requirements in section 8 except for the financial test. These provisions are similar to the Federal rules at 30 CFR 800.23(c), however, the State's amendment does not make a distinction between parent and non-parent corporate guarantors.

The terms which must be included in the corporate guarantee are substantively equivalent to those in 30 CFR 800.23(c)(1)(i)-(iii). The guarantor must provide funds to the regulatory authority in an amount sufficient to complete the reclamation plan but not to exceed the bond amount in the event that the applicant fails to complete the reclamation plan. Cancellation of the corporate guarantee may occur if the guarantor sends notice to the director at least 90 days in advance of the cancellation date and the director accepts the cancellation. OSM finds that section 9 which sets forth the conditions and terms of corporate guarantee are no less effective than 30 CFR 800.23(c).

Section 10 of chapter 6.3 limits the total amount of outstanding and proposed self-bonds of both the applicant and the corporate guarantor equal to 25 percent of tangible net worth in the United States. This requirement is the same as found at 30 CFR 800.23(d). Section 10 is, therefore, no less effective than its Federal counterpart.

Section 11 of chapter 6.3 sets forth the requirements for indemnity agreements when the director accepts an applicant's self-bond. Paragraph (1) of section 11 requires the indemnity agreement to be executed by all persons and parties who are bound by it including the corporate guarantor. Paragraph (2) requires corporations applying for a self-bond and corporate guarantors guaranteeing a subsidiary's self-bond to have an indemnity agreement signed by two corporate officers who are authorized to bind the corporation. A copy of this authorization must be provided to the director. Paragraph (3) requires that if the applicant is a partnership, joint venture or syndicate, the agreement must bind each partner or party who has a beneficial interest, directly or indirectly, in the applicant. And finally, the proposed amendment specifies that the indemnity agreement is subject to the applicant or corporate guarantor completing the approved reclamation plan for lands in default or the payment to the director of an amount necessary to complete the approved reclamation plan, not to exceed the bond amount.

Indiana's requirements for indemnity agreements as modified by the State's October 18, 1989, letter and proposed Senate Bill No. 52 are similar to those in 30 CFR 800.23(e). The Federal rule at 30 CFR 800.23(e)(2) requires both the applicant and the corporate guarantor to submit an indemnity agreement. By definition, a self-bond under 30 CFR 800.5(c) means an indemnity agreement in a sum certain executed by the applicant or by the applicant and any corporate guarantor. The State's proposed amendment requires the corporate guarantor, if one is present, along with the applicant, to submit an indemnity agreement signed by two corporate officers authorized to bind their respective corporations.

The Federal rules at 30 CFR 800.23(e)(2) require authorizations for corporate officials to sign an indemnity agreement to be accompanied by an affidavit certifying that such an agreement is valid under all applicable Federal and State laws. The proposed amendment as modified by the State's October 18, 1989, letter and the proposed Senate Bill No. 52 also requires an affidavit of this type. This provision was included in the Federal rules because the signing of an indemnity agreement by a utility or other non-parent guarantor might not be legally enforceable. A discussion of this issue was reported in the January 14, 1988, **Federal Register** (53 FR 996). For the reasons given above, OSM finds that the provisions of the proposed modified amendment which apply to indemnity agreements are no less effective than those at 30 CFR 800.23(e).

Section 12 of chapter 6.3 requires self-bonded applicants and corporate guarantors to submit updated financial information within 90 days after the close of each fiscal year following the issuance of the self-bond or corporate guarantee. This provision is substantively identical to the corresponding Federal rules at 30 CFR 800.23(f).

Section 13 of chapter 6.3 requires immediate notification be provided to the director where the financial conditions of the applicant or the corporate guarantor for self-bonding are not satisfied. In this case, the applicant has 90 days following notification to post an alternative form of bond in the same amount. Federal rules at 30 CFR 800.23(g) contain a similar requirement with the statement that if the permittee fails to post an adequate substitute bond the provisions of 30 CFR 800.16(e) shall apply. Under 30 CFR 800.16(e), the operator would have to cease coal extraction and immediately begin reclamation operations. The proposed amendment as modified by the State's October 18, 1989, letter and proposed Senate Bill 52 would also require operators who fail to post an adequate substitute bond within 90 days to cease coal extraction and immediately begin reclamation. For this reason, OSM finds that section 13 is no less effective than 30 CFR 800.23(g).

IV. Disposition of Comments

As discussed in the section of this notice entitled "Discussion of Amendment," OSM solicited public comment and provided opportunity for a public hearing on the proposed amendment. The Indiana Coal Council, Inc. (ICC) submitted comments during the public comment period which closed on June 9, 1988, (Administrative Record No. IND—0590). No other comments pertaining to SEA 231 were received by mail or presented during the hearing which was held on June 6, 1988.

The ICC expressed support for SEA 231. They considered it an innovative, well-balanced and sensible piece of legislation and provided specific comments on the self-bonding provisions.

The ICC commented on two differences between the proposed amendment and 30 CFR 800.23 which governs self-bonding. The Federal rules at 30 CFR 800.23(e)(2) require corporations applying for a self-bond and corporations guaranteeing an applicant's self-bond to submit an indemnity agreement to the regulatory authority signed by two corporate officers who are authorized to bind their corporations. A copy of such authorization must be provided to the regulatory authority along with an affidavit certifying that such an

agreement is valid under all applicable Federal and State laws. As discussed above under OSM's evaluation of section 11 of IC 13–4.1–6.3, the State's proposed amendment as modified on October 18, 1989, and proposed Senate Bill No. 52 also requires an accompanying affidavit. The ICC believed that as long as such an affidavit is submitted by the ultimate guarantor, the interests of the public would be protected. Furthermore, they had no objections to both the applicant and guarantor being required to submit an affidavit as a matter of IDNR policy.

OSM agrees with the ICC's comment that the public interest will be served by requiring the corporate guarantor to submit an affidavit certifying that the indemnity agreement is valid under State and Federal laws. The State's amendment now contains a provision requiring such an affidavit.

The ICC commented that the State's self-bonding amendment does not contain a provision whereby the indemnity agreement under forfeiture will operate as a judgment against those parties liable under the indemnity agreement. Under 30 CFR 800.23(e)(4), an indemnity agreement is to operate as a judgment if permitted under State law. The ICC stated that IC 34–2–25–1 and IC 34–2–26–1 do not allow agreements confessing judgment in Indiana. OSM agrees that Indiana law prohibits confessing judgments and, therefore, has not required the State to include such a provision in the proposed amendment.

V. Director's Decision

Based upon the above findings, the Director is approving proposed self-bonding amendments to IC 13–4.1–6.3 and 13–4.1–6.5 of the Indiana program as submitted to OSM by IDNR on March 18, 1988, and modified on October 18, 1989. The Federal rules at 30 CFR part 914 codifying decisions concerning the Indiana program are being amended to implement this decision. This amendment to the Federal rules is being made effective upon the enactment of Senate Bill No. 52 into Indiana State law in a form identical to the version reviewed by OSM as embodied in the October 18, 1989, letter from the State (Administrative Record No. IND–0696).

VI. Procedural Determinations

1. National Environmental Policy Act:

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order 12291 and the Regulatory Flexibility Act:

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will provide coal mine operators an alternative means not previously available to ensure that the reclamation requirements established by SMCRA will be met.

3. Paperwork Reduction Act:

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 11, 1990.

Carl C. Close,

Assistant Director, Eastern Field Operations.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 914.15, paragraph (z) is added to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(z) The following amendment, which concerns self-bonding requirements, is approved effective April 23, 1990, provided the State promulgates the rules in a form substantively identical to that submitted on March 18, 1988, and as clarified and modified on October 18, 1989: Revised Indiana IC 13–4.1–6–5 and new Indiana statute IC 13–4.1–6.3.

[FR Doc. 90–9261 Filed 4–20–90; 8:45 am]
BILLING CODE 4310–05–M

PANAMA CANAL COMMISSION

35 CFR Part 119

RIN 3207–AA25

Licensing of Officers

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is revising subpart F "Engineers" of part 119, title 35 Code of Federal Regulations, to create a new license for the position of Assistant Engineer (Watch Standing). Other sections of the subpart are revised where appropriate. This change reflects the agency's desire to bring the licensing program more into line with the functions actually needed to be performed by certain marine personnel employed by the Panama Canal Commission.

EFFECTIVE DATE: April 23, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, Telephone (202) 634–6441 or Captain George Hull, Marine Director, telephone in Balboa Heights, Republic of Panama, 011–507–52–4500.

SUPPLEMENTARY INFORMATION: On February 12, 1990, a notice of an interim rule with request for comments was published in the **Federal Register** (55 FR 4837). Comments were invited from the public to be submitted on or before March 14, 1990. No comments were received. As a result of an internal review, editorial changes of a nonsubstantial nature have been made to § 119.226(e). The changes will have no impact on the public; therefore, the interim rule is adopted with some changes.

List of Subjects in 35 CFR Part 119

Panama Canal, Towboats, Marine engineers.

PART 119—LICENSING OF OFFICERS

Accordingly, the interim rule amending 35 CFR part 119 which was published at 55 FR 4837 on February 12, 1990, is adopted as a final rule with the following change:

1. The authority citation for part 119, subpart F, continues to read as follows:

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

2. Section 119.226(e) is revised to read as follows:

§ 119.226 Assistant engineer (watch standing), motor vessel; experience required.

* * * * *

(e) Have three years of service in the engine room of a steam and/or motor vessel, eighteen months of which must have been as a qualified member of the engine department or equivalent supervisory position. (A qualified member of the engine department is any person below the rating of license officer and above the rating of coal passer, wiper or assistant electrician, who holds a current, valid permanent certificate of service as a qualified member of the engine department issued by the U.S. Coast Guard or a currently valid equivalent certificate of service issued by the Government of Panama. Ratings included are those of donkeyman, refrigerating engineer, oiler, deck engineer, fireman, electrician, water tender, junior engineer, machinist, pumpman, deck engine mechanic, and engineman.)

* * * * *

Dated: March 29, 1990.

Fernando Manfredo, Jr.,

Acting Administrator, Panama Canal Commission.

[FR Doc. 90-9269 Filed 4-20-90; 8:45 am]

BILLING CODE 3640-04-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6869]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, SW., Room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisiton or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public precedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a signficant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood Insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and location	Community No.	Effective date authorization/cancellation of sale of Flood Insurance in community	Current effective map date
New Eligibles—Emergency Program			
North Carolina: Person County, unincorporated areas	370346	March 12, 1990	2-10-78
Maine: Levant, Town of, Penobscot County	230912	March 13, 1990	4-29-77
Alabama: Calera, Town of, Shelby County	010373	March 7, 1990	11-2-79
Georgia: Eton, Town of, Murray County	130365	March 21, 1990	11-25-77
Maine: Plymouth, Town of, Penobscot County	230399	March 30, 1990	4-29-77
Texas: Bardwell, City of, Ellis County	481087	March 30, 1990	7-30-76
Alabama: Coffee County, Unincorporated Areas	010239	March 27, 1990	1-17-75
Maine:			
Clifton, Town of, Penobscot County	230378	March 30, 1990	2-7-75
Corinth, Town of, Penobscot County	230380	March 30, 1990	2-21-75
New Eligibles—Regular Program			
North Carolina:			
Cajah's Mountain, Town of, Caldwell County	370452	March 6, 1990	8-16-88
Hudson, Town of, Caldwell County	370450	March 6, 1990	8-16-88
California: West Sacramento, City of, Yolo County	060728	March 13, 1990	3-5-90

State and location	Community No.	Effective date authorization/cancellation of sale of Flood Insurance in community	Current effective map date
Reinstatements—Regular Program			
Michigan: Big Rapids, Township of, Mecosta County	260135	August 20, 1975, Emerg.; September 1, 1988, Reg.; September 1, 1988, Susp.; March 6, 1990, Rein.	9-1-88
Wisconsin: Price County, unincorporated areas	550343	December 29, 1975, Emerg.; December 5, 1989, Reg.; December 5, 1989, Susp.; March 6, 1990, Rein.	12-5-89
Pennsylvania: East Carroll, Township of, Cambria County	422268	November 12, 1981, Emerg.; March 5, 1990, Reg.; March 5, 1990, Susp.; March 15, 1990, Rein.	3-5-90
Ohio:			
Hamden, Village of, Vinton County	390554	August 13, 1979, Emerg.; September 29, 1989, Reg.; September 29, 1989, Susp.; October 9, 1989, Rein.	9-29-89
Macedonia, City of, Summitt County	390750	November 11, 1976, Emerg.; February 4, 1981, Reg.; August 3, 1989, Susp.; March 22, 1990, Rein.	2-4-81
Missouri:			
St. Francois County, unincorporated areas	290832	September 12, 1984, Emerg.; February 1, 1987, Reg.; February 16, 1990, Susp.; March 23, 1990, Rein.	2-1-87
Glenaire, Village of, Clay County	290092	September 12, 1975, Emerg.; September 15, 1977, Reg.; March 5, 1990, Susp.; March 29, 1990, Rein.	9-15-77
Ohio:			
Carlisle, Village of, Montgomery County	390189	March 19, 1976, Emerg.; April 3, 1984, Reg.; March 19, 1990, Susp.; March 29, 1990, Rein.	4-3-84
Vinton, Village of, Gallia County	390189	February 6, 1979, Emerg.; March 19, 1990, Susp.; March 29, 1990, Rein.	12-27-74
Mississippi: Jones County, unicorporated areas	280222	March 20, 1975, Emerg.; February 16, 1990, Reg.; February 16, 1990, Susp.; March 23, 1990, Rein.	2-16-90
Region II			
New Jersey:			
LaFayette, Township of, Sussex County	340532	March 5, 1990; suspension withdrawn	3-5-90
Stillwater, Township of, Sussex County	340560	....do	3-5-90
Region III			
Pennsylvania:			
Portage, Township of, Cambria County	421444	....do	3-5-90
Shamokin, Township of, Northumberland County	421159	....do	3-5-90
Virginia: Fairfax County, unincorporated areas	515525	....do	3-5-90
Region V			
Illinois: Mound City, City of, Pulaski County	170565	....do	3-5-90
Michigan: Bridgeton, Township of, Newaygo County	260466	....do	3-5-90
Minnesota: Blue Earth County, unincorporated areas	275231	....do	3-5-90
Ohio:			
Columbiana County, Unincorporated Areas	390076	....do	3-5-90
Garrettsville, Village of, Portage County	390455	....do	3-5-90
Jeffersonville, Village of, Fayette County	390165	....do	3-5-90
Wisconsin:			
Bell Center, Village of, Crawford County	550068	....do	3-5-90
Elmwood, Village of, Pierce County	550068	....do	3-5-90
Soldiers Grove, Village of, Crawford County	550074	....do	3-5-90
Region VI			
Oklahoma: Kay County, unincoporated areas	400477	....do	3-5-90
Texas: Madisonville, City of, Madison County	480464	....do	3-5-90
Region VIII			
Nebraska: Schuyler, City of, Colfax County	310046	....do	3-5-90
Region III			
Pennsylvania:			
South Fork, Borough of, Cambria County	420238	March 19, 1990; suspension withdrawn	3-19-90
Summerhill, Borough of, Cambria County	420242	....do	3-19-90
West Taylor, Township of, Cambria County	421450	....do	3-19-90
White, Township of, Cambria County	422258	....do	3-19-90
Region VII			
Missouri: Byrnes Mill, City of, Jefferson County	290891	....do	3-19-90

Code for reading third column:

Emerg.—Emergency

Reg.—Regular

Susp.—Suspension

Rein.—Reinstatement

Issued: April 10, 1990.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 90-9316 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-126; RM-6142]

Radio Broadcasting Services; Philpot, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 234A to Philpot, Kentucky, in response to a petition filed by Ted H. Johnson ("petitioner"), as that community's first local FM service. See 53 FR 12168, April 13, 1988. Channel 234A can be allotted to Philpot in compliance with the Commission's minimum distance separation requirements with a site restriction. The coordinates for this allotment are 37-43-03 and 86-57-32. With this action, this proceeding is terminated.

DATES: Effective June 1, 1990; The window period for filing applications will open on June 4, 1990, and close on July 5, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–126, adopted March 20, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by adding Philpot, Kentucky, Channel 234A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–9246 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–437; RM–6803]

Radio Broadcasting Services; Jackson, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 233C3 for Channel 233A at Jackson, Alabama, and modifies the Class A license of Radio Station WHOD, Inc., as requested, to specify operation on the higher powered channel, thereby providing that community with its first expanded coverage FM service. See 54 Fed. Reg. 41470, October 10, 1989. Coordinates used for Channel 233C3 at Jackson are 31–32–38 and 87–52–30. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–437, adopted March 20, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Jackson, Alabama by removing Channel 233A and adding Channel 233C3.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–9247 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–281; RM–6959]

Radio Broadcasting Services; Bethel, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, issued on the Commission's own motion, substitutes Channel 252C3 for Channel 300A at Bethel, Alaska, and modifies the permit issued to Bethel Communications, Inc. for Station KBTB (FM), Channel 300A, accordingly, to specify operation on the higher powered channel. See 54 FR 28077, July 5, 1989. Coordinates for Channel 252C3 at Bethel are 60–47–06 and 161–47–54. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–281, adopted March 20, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Bethel, Alaska by removing Channel 300A and adding Channel 252C3.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–9248 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 55, No. 78
Monday, April 23, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 352

[Docket No. 89-193]

Untreated Oranges, Tangerines, and Grapefruit From Mexico Transiting the U.S. to Foreign Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Plant Quarantine Safeguard Regulations to allow certain movements of untreated oranges, tangerines, and grapefruit from Mexico through Galveston, Texas, for export. This action appears warranted because it can be done without posing an increased pest risk to plants and plant products in the United States. It would give shippers the alternative of moving untreated Mexican oranges, tangerines, and grapefruit to the port at Galveston, Texas, by water route or truck for export from Galveston by water route, or, for bonded rail movements, moving the fruit from the port of entry through a slightly enlarged corridor northward for export.

DATES: Consideration will be given only to comments received on or before May 8, 1990.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89-193. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper, Senior Operations Officer, Port Operations, PPQ, APHIS, USDA, Room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8645.

SUPPLEMENTARY INFORMATION:

Background

The Plant Quarantine Safeguard Regulations contained in 7 CFR part 352 (the regulations) provide requirements applicable to most plants, plant products, and related articles, including oranges, tangerines, and grapefruit from Mexico, that are moved through the United States for export.

Section 352.30 provides specific requirements for untreated oranges, tangerines, and grapefruit from Mexico. These include requirements concerning permits, notice of arrival, origin and period of entry, inspections, safeguards, and additional conditions for movement overland and by water route.

The ports through which untreated oranges, tangerines, and grapefruit from Mexico may enter for overland movement are: Nogales, Arizona; or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, Texas. (These ports are referred to below as "overland ports of entry.") There are provisions for overland movement from these ports by rail, aircraft, and trucks.

Under the provisions of § 352.30(b)(3)(iii), trucks may be used to haul untreated oranges, tangerines, and grapefruit from Mexico to shipside, or to approved refrigerated storage pending lading aboard ship, in Brownsville, Texas, or alongside refrigerator cars or aircraft at any of the overland ports of entry for movement to a foreign country.

With respect to bonded rail movement, § 352.30(b)(4) specifies the boundaries of a corridor through which the shipments may move by direct route, in Customs bond and under Customs seal, without diversion or change of Customs entry en route, from the overland ports of entry to the port of exit en route to Canada or to an approved North Atlantic port in the United States for export to another foreign country. The southern and eastern boundaries of this corridor are bounded by a line drawn from Brownsville, Texas, through Houston, Texas, and Kinder, Louisiana, to Memphis, Tennessee, and then to Louisville, Kentucky, and due east from Louisville.

Section 352.30(c)(1) names Brownsville as the only Texas port of entry for untreated oranges, tangerines, and grapefruit moving by water route from Mexico through the United States to a foreign country. The regulations include further restrictions, such as stowing requirements, for exportation from Brownsville by water.

All these restrictions were established in the regulations to protect plants and plant products in the United States from the Mexican fruit fly, which is hosted by citrus fruit and widely distributed in Mexico. The Mexican fruit fly is a serious pest of many kinds of fruits that are grown in the United States, including almost all varieties of citrus. These pests could become established in the southeastern and western United States and would pose a significant pest risk in areas of the United States where host fruits are commercially grown.

We have received requests, from shipping companies that transport untreated citrus fruit from Mexico, to allow untreated oranges, tangerines, and grapefruit to move through Galveston, Texas, for export by water route. The shippers desire to use the port at Galveston as an alternative to Brownsville, Texas, since many of the ships that could be used to transport untreated citrus fruit are loaded at the port of Galveston.

We have studied the pest risk attendant to allowing the movement of untreated oranges, tangerines, and grapefruit from Mexico through Galveston, Texas, and we have determined that there would be no increased risk to plants and plant products in the United States if the requested movement through Galveston for export by water route, and, in addition, movement as far southeast as Galveston by bonded rail, were allowed in accordance with the applicable safeguard regulations of part 352. Galveston is located approximately 40 miles southeast of Houston, Texas. Houston is currently listed on the southeast boundary of the corridor for transit by bonded rail. (Further information concerning our analysis can be obtained by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**")

Therefore, we are proposing to amend § 352.30. We would add Galveston as an

alternative to Brownsville for export by water route of untreated oranges, tangerines, and grapefruit from Mexico. Also, we would add Galveston as a port of entry for such fruit moving by water route from Mexico through the United States to a foreign country. In addition, we would add Galveston as a port to which trucks may be used to haul such fruit to shipside, or to approved refrigerated storage pending loading aboard ship, for movement to a foreign country. Further, we would replace Houston, Texas, with Galveston on the boundary line for the corridor through which untreated oranges, tangerines, and grapefruit from Mexico would be allowed to transit the United States by bonded rail.

The effect of these actions would be to allow untreated oranges, tangerines and grapefruit from Mexico to transit the port of Galveston, Texas, for the types of movements indicated in the previous paragraph for export to foreign countries, in accordance with the safeguard regulations of part 352, and thereby slightly enlarge the area through which this citrus would be allowed to transit the United States.

In addition, currently the introduction of § 352.30 appears to indicate that the provisions of this section apply only to the movement of oranges, tangerines, and grapefruit from Mexico in transit to foreign countries via United States ports on the Mexico border. Paragraph (a)(1) of § 352.30 also appears to indicate that its requirements also apply to the same type of movement for untreated oranges, tangerines, or grapefruit. We are proposing to amend these provisions to clarify that the provisions of § 352.30, and the requirements of paragraph (a)(1) of this section, apply to all movements permitted by § 352.30. In addition, we are proposing to amend § 352.30(e) to clarify that it applies to treated fruit imported through United States ports, as opposed to United States ports on the Mexican border.

Public Comment Period

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on this proposal. The shipping season for oranges, tangerines and grapefruit from Mexico ends in May. This change should be made promptly so that interested shippers can benefit from the option of using Galveston for the transit of this fruit before the end of this year's shipping season.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

If implemented, the proposed rule would allow untreated oranges, tangerines and grapefruit from Mexico to transit the port of Galveston, Texas, in accordance with the safeguard regulations of part 352, for export to foreign countries. Persons involved in this process include the citrus owners or exporters, some of which are small entities, and the transporters (trucking, railroad, and shipping companies), all of which are large entities. Economic impacts on small entities would be limited to small increases or decreases to shipping costs paid by the citrus owners or exporters.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.).

List of Subjects in 7 CFR Part 352

Agricultural commodities, Customs duties and inspection, Imports, Plant diseases, Plant pests, Plants (Agriculture), Postal Service, Quarantine, Transportation.

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

Accordingly, 7 CFR part 352 would be amended as follows:

1. The authority citation for part 352 would continue to read as follows:

Authority: 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 160, 162, and 2260; 31 U.S.C. 9701; and 7 CFR 2.17, 2.51, and 371.2(c).

§ 352.30 [Amended]

2. In § 352.30, in the introductory text, in paragraph (a)(1), and in paragraph (e), the phrase "on the Mexican border" is removed.

3. In paragraph (b)(3)(iii) of § 352.30, "Brownsville," would be removed and "Brownsville or Galveston," would be added in its place.

4. In paragraph (b)(4)(i) of § 352.30, the word "Houston" would be removed and "Galveston" would be added in its place both times it appears.

5. In paragraph (c)(1) of § 352.30, "or Galveston," would be added immediately following "Brownsville,".

6. In the heading for paragraph (c)(3) and in paragraph (c)(3)(i) of § 352.30, "or Galveston" would be added immediately following "Brownsville".

7. In paragraph (c)(3)(ii) of § 352.30, "Brownsville," would be removed and "Brownsville or Galveston," would be added in its place.

Done in Washington, DC, this 17th day of April 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–9263 Filed 4–20–90; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Parts 101 and 113

[Docket No. 89–200]

Viruses, Serums, Toxins, and Analogous Products; Autogenous Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations pertaining to autogenous biologics by: (1) Specifying data that would be required to be submitted to the Animal and Plant Health Inspection Service in support of a request to use an autogenous biologic in herds or flocks that are adjacent to the herd or flock of origin; (2) specifying data which would be required to use such autogenous biologics in herds which are not adjacent to the herd or flock of origin; (3) specifying data that

would be required to be submitted in support of a request to use organisms for the production of an additional serial of an autogenous biologic from cultures which are older than 12 months from the date of isolation.

This action would ensure that persons seeking approval to use an autogenous biologic or an isolate under the circumstances described above are aware of the data that must be submitted in support of their request, and that the Agency is provided sufficient information to properly evaluate and approve the use of autogenous biologics.

DATES: Consideration will be given only to comments received on or before June 22, 1990.

ADDRESSES: Send an original and three copies of written comments to Chief, Regulatory Analysis and Development Staff, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89–200. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. David A Espeseth, Deputy Director, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations concerning the production of autogenous biologics are found in 9 CFR 113.98. Autogenous biologics (vaccines, bacterins, and toxoids) are prepared from cultures of microorganisms which are inactivated and nontoxic. The seed organisms used to produce such autogenous biologics are organisms isolated from sick or dead animals which are judged to be the causative agents of the diseases affecting such animals. More than one isolate may be used in the production of an autogenous biologic.

Use of Autogenous Biologics in Herds or Flocks Adjacent or Not Adjacent to the Herd or Flock of Origin

The regulations provide that under normal circumstances, an isolate from one herd or flock may not be used to prepare an autogenous biologic for another herd or flock. Permission to use an autogenous biologic derived from a particular infected herd outside that herd must be granted by the Deputy Administrator of the Animal and Plant Health Inspection Service.

The Deputy Administrator may authorize preparation of an autogenous biologic for use in adjacent herds or flocks which are considered to be at risk. The Deputy Administrator may also authorize the preparation of an autogenous biologic for use in other herds or flocks (not adjacent) which are considered to be at risk, with the written concurrence of the proper State authorities. Presently, the regulations do not specify what information persons requesting such authorization are required to submit in support of their request. Therefore, it is proposed that the regulations be amended to specify the data required to support such requests so that persons seeking authorization to use autogenous biologics in herds or flocks other than the one from which the biologic originated have a clear understanding of Agency requirements. Such amendments are also being proposed to assure that autogenous products used in herds other than the herd of origin are safe, to prevent transmission of disease, and to assure that the Agency is provided with sufficient information to properly evaluate the use of autogenous biologics under various circumstances.

Under the proposed amendments, an applicant would be required to submit the following data in support of a request to use an autogenous biologic in a herd or flock adjacent to the herd or flock of origin of the product.

(1) Name, address, and phone number of the owner of the herd or flock of origin.

(2) Veterinarian's (or other requestee's) name, address, and phone number.

(3) Animal species and number in herd or flock of origin.

(4) Identification of organism(s), at least as to genus.

(5) Diagnosis or clinical signs of the disease observed.

(6) Person that isolated the cultures and date of isolation.

(7) Number of doses requested and vaccination schedule.

(8) Adjacent herd or flock owner's name, address, and phone number.

(9) Number of animals and species in adjacent herd or flock.

(10) Assessment of the involvement or risk of involvement of the adjacent herd or flock with the disease observed.

Such information would enable the Administrator to adequately evaluate the need to use an autogenous biologic in adjacent herds or flocks.

The same information required for the use of autogenous products in an adjacent herd or flock would also be required to use the product in herds or flocks not adjacent to the herd or flock of origin. Because the specific recipient herd or flock may not be known when autogenous biologics are to be used in large geographic areas, the information requirements would be modified as follows: The following information would be substituted for paragraphs (2) and (8) of the previous section.

(2) Identification of practitioners in the area in place of the name, address, and phone number of the adjacent herd owner.

(8) The geographic designation of the area involved.

In addition, the applicant for authorization would be required to provide written concurrence from the State veterinarian or other appropriate State official in the State in which the autogenous biologic is to be used in non-adjacent herds or flocks.

If any of the proposed data required to be submitted in support of a request to use an autogenous biologic in an adjacent or nonadjacent herd or flock are unavailable, the applicant would be required to indicate that such data are unavailable and why.

Request To Produce an Additional Serial From an Isolate Older Than 12 Months

The regulations provide that organisms used to make autogenous biologics shall not be used for production more than 12 months from isolation, unless authorized by the Deputy Administrator. Presently, the regulations do not specify what information is required in order to obtain such authorization. This rulemaking proposes to amend the regulations by specifying the data that would be required to be submitted in support of a request to use the original isolate beyond 12 months for the production of an additional serial of product, as follows:

(1) A current assessment of the continued involvement of a herd or flock with the originally isolated seed organism(s).

(2) Information regarding any non-autogenous biologics which may have been used in an attempt to control the particular disease.

(3) Data or information that demonstrate that a good faith effort has been made to reisolate the organism(s).

(4) Any other information the Administrator may require in order to determine the need to use the isolate to make an additional serial.

Such information would enable APHIS to adequately evaluate the need for the use of the original isolate beyond 12 months.

Ordinarily, an exemption would be permitted for only one additional serial of product. For continued use of the seed organism(s), a licensee may wish to consider applying for a conditional license under 9 CFR 102 of this title.

Definitions

This document also proposes to add definitions of the terms "Administrator" and "Animal and Plant Health Inspection Service (APHIS)" in 9 CFR 101.2.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Currently, the regulations provide that when authorization is obtained from the Deputy Administrator, an autogenous biologic can be used in an adjacent or non-adjacent herd or flock, and organisms that are older than 12 months can be used to make additional autogenous biologics. The regulations, however, do not specify the data that is required to be submitted in support of such authorization. The changes that are proposed in this document merely specify the data that APHIS has been requiring when the Agency receives requests to use an autogenous biologic in an adjacent or non-adjacent herd or to use organisms older than 12 months for the production of an additional serial.

Thus, the effect of the proposed rule would be to codify in the regulations the type of data that the Agency requires in support of the above referenced requests by practitioners and licensees. The data that would be required to be submitted in support of such requests is data which an applicant should already have readily available. Thus, there should be no additional cost in generating such data. Furthermore, based on information supplied by APHIS' Veterinary Biologics Field Operations in Ames, Iowa, the number of these types of requests is relatively few, less than 10 per year.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in the proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Chief, Regulatory Analysis and Development Staff, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 113

Animal biologics.

PART 101—DEFINITIONS

1. The authority citation for part 101 would continue to read as follows:

Authority: 21 U.S.C. 151.159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 101.2. all paragraph designations would be removed, the definitions would be arranged in alphabetical order. To reflect organizational changes within APHIS, the following definitions would be added in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

* * * * *

PART 113—STANDARD REQUIREMENTS

3. The authority citation for 9 CFR part 113 would be revised to read as follows:

Authority: 21 U.S.C. 151.159; 7 CFR 2.17, 2.51, and 371.2(d).

4. Section 113.98, paragraph (a)(2) would be revised to read as follows:

§ 113.98 Autogenous biologics.

* * * * *

(a) * * *

(2) Under normal circumstances, organisms from one herd or flock shall not be used to prepare an autogenous biologic for another herd flock. However, the Administrator may authorize preparation of such autogenous biologic for use in herds or flocks, adjacent to the herd or flock from which the isolate is derived, which are considered to be at risk. The following information must be submitted to the Administrator (in c/o the Deputy Director, Veterinary Biologics Field Operations. 223 South Walnut Avenue, Ames, Iowa 50010), for authorization to prepare a product for use in herds or flocks adjacent to the herd or flock of origin. (If any of the data is unavailable, the applicant should indicate that such data is unavailable and why.)

(i) Name, address, and phone number of the owner of the herd or flock of origin.

(ii) Veterinarian's (or other requestee's) name, address, and phone number.

(iii) Animal species and number in herd or flock of origin

(iv) Identification of organism(s), at least as to genus.

(v) Diagnosis or clinical signs of the disease observed.

(vi) Person that isolated the cultures and the date of isolation.

(vii) Number of doses requested and vaccination schedule.

(viii) Adjacent herd or flock owner's name, address, and phone number.

(ix) Number of animals and species in adjacent herd or flock.

(x) Assessment of the involvement or risk of involvement of the adjacent herd or flock with the disease observed.

5. Section 113.98, paragraph (a)(3) would be redesignated as paragraph (a)(4) and a new paragraph (a)(3) would be added to read as follows:

§ 113.98 Autogenous biologics.

* * * * *

(a) * * *

(3) The Administrator may authorize preparation of an autogenous biologic for use in herds or flocks which are not adjacent to the herd or flock from which the isolate is derived, but which he or she considers to be at risk. The same information required for such preparation for use in herds or flocks adjacent to the herd or flock of origin must be submitted to the Administrator (in c/o the Deputy Director, Veterinary Biologics Field Operations, 223 South Walnut Avenue, Ames, Iowa 50010) for authorization to prepare a product for use in herds or flocks not adjacent to the herd or flock of origin. Because the recipient flock involved may not be known when autogenous biologics are to be used in large geographic areas, the following data may be used in lieu of the data required in paragraphs (a)(2)(ii) and (a)(2)(viii) of this section:

(i) Identification of practitioners in the area in place of the name, address, and phone number of the adjacent herd owner.

(ii) The geographic designations of the area involved.

In addition, an applicant for authorization under this paragraph shall provide written concurrence from the State veterinarian or other appropriate State official in the State in which the autogenous biologic is to be used in non-adjacent herds or flocks.

6. Section 113.98, paragraph (b)(2) would be redesignated as paragraph (b)(3) and a new paragraph (b)(2) would be added to read as follows:

§ 113.98 Autogenous biologics.

* * * * *

(b) * * *

(2) The Administrator may authorize the preparation of autogenous biologics from organisms older than 12 months from the date of isolation, provided the person requesting such authorization submits the following information:

(i) A current assessment of the continued involvement of a herd or flock with the originally isolated seed organism(s).

(ii) Information that licensed biologics are known to be ineffective in controlling the particular disease problem.

(iii) Data or information that demonstrate that a good faith effort has been made to reisolate the organism(s).

(iv) Any other information the Administrator may require in order to determine the need to use the isolate to make an additional serial.

Done in Washington, DC, this 17th day of April 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-9264 Filed 4-20-90; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 166

[Docket No. 89-122]

Swine Health Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Swine Health Protection regulations by (1) removing Indiana from the list of States that permit the feeding of treated garbage to swine and adding it to the list of States that prohibit garbage feeding, (2) removing Maryland from the list of States that prohibit garbage feeding and adding it to the list of States that permit the feeding of treated garbage to swine, and (3) removing Alaska from the list of States that issue garbage treating licenses under cooperative agreements with the Animal and Plant Health Inspection Service, United States Department of Agriculture. These proposed actions are necessary to reflect changes in the status of these States, and thereby facilitate the administration of the Swine Health Protection regulations.

DATES. Consideration will be given only to comments received on or before June 22, 1990.

ADDRESSES. To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket 89-122. Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. William C. Stewart, Chief Staff Veterinarian, Swine Diseases Staff, VS, APHIS, USDA, Room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7767.

SUPPLEMENTARY INFORMATION:

Background

The "Swine Health Protection" regulations (contained in 9 CFR part 166 and referred to below as the regulations) were established under the Swine Health Protection Act (contained in 7 U.S.C. 3801 *et seq.*, and referred to below as the Act). The Act and the regulations contain provisions concerning the treatment of garbage to be fed to swine and the feeding of that garbage to swine. These provisions operate as safeguards against the spread of certain swine diseases in the United States.

Some States prohibit the feeding of garbage to swine. Other States permit the feeding of treated garbage to swine. The Act provides that garbage may be fed to swine only if it is treated to kill disease organisms at a facility holding a valid license. This license may be issued by the Secretary of Agriculture, or it may be issued by the State in which the facility is located.

A State may issue a license if it is a State that has primary responsibility for enforcing the Act, or has entered into a cooperative agreement with the Animal and Plant Health Inspection Service (APHIS) for administering and enforcing the Act. A State has primary enforcement responsibility if, among other things, it (1) has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of the Act and the regulations, (2) has adopted and is implementing adequate procedures for the effective enforcement of its garbage feeding laws and regulations, and (3) will keep records and make reports showing compliance with its garbage feeding laws and regulations and their enforcement as the Secretary may require by regulation.

A State that does not have primary enforcement responsibility may enter into a cooperative agreement with APHIS for administering and enforcing the Act if the Secretary of Agriculture determines that the State has facilities, personnel, and procedures adequate to assist APHIS in administering and enforcing the Act.

The regulations at § 166.15 categorize States according to the respective status of each. We are proposing to change the status of Indiana, Maryland, and Alaska to reflect changes in the status of these States, and thereby facilitate the administration of the Swine Health Protection regulations.

Indiana

Indiana is listed in § 166.15(b) as a State that permits the feeding of treated garbage to swine. However, Indiana State law now prohibits the feeding of garbage to swine. We are therefore proposing to remove Indiana from the

list of States in § 166.15(b) that permit the feeding of treated garbage to swine and add it to the list of States in § 166.15(a) that prohibit the feeding of garbage to swine.

Maryland

Maryland is listed in § 166.15(a) as a State that prohibits the feeding of garbage to swine. However, Maryland State law permits the feeding of treated garbage to swine. We are therefore proposing to remove Maryland from the list of States in § 166.15(a) that prohibit the feeding of garbage to swine and add it to the list of States in § 166.15(b) that permit the feeding of treated garbage to swine.

Alaska

Alaska is listed as a State that, under cooperative agreements with APHIS, issues licenses to persons desiring to operate a treatment facility for garbage that is to be treated and fed to swine. Alaska no longer has such an agreement with APHIS. We are therefore proposing to remove it from the list in § 166.15(d) of States that have cooperative agreements with APHIS. Alaska, therefore, would no longer have authority to issue licenses for garbage treatment facilities, but would remain on the list in § 166.15(b) of States that permit the feeding of treated garbage to swine. Licenses for garbage treatment facilities in Alaska would be issued by the Area Veterinarian in Charge, APHIS, USDA.

Miscellaneous

We are also proposing to make nonsubstantive changes to the regulations in § 166.15(b) for the purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Almost all persons who operate facilities for the treatment of garbage to be fed to swine or who permit the feeding of garbage to swine are considered small entities.

Indiana has no licensed garbage feeders; therefore, prohibiting the feeding of garbage to swine in Indiana would have no economic impact there. Our proposed action simply reflects changes that Indiana has already made with respect to Swine Health Protection.

Maryland has one licensed garbage feeder, and Alaska has two. Changing the status of Maryland and Alaska would have no effect on the business operations of these entities; our proposed action simply reflects changes that Maryland and Alaska have already made with respect to swine health protection. Therefore, it is not anticipated that the licensed garbage feeders operating in Maryland and Alaska would experience any economic impact as a result of our proposed rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 166

African swine fever, Animal diseases, Foot-and-mouth disease, Garbage, Hog cholera, Hogs, Swine vesicular disease, Vesicular exanthema of swine.

PART 166—SWINE HEALTH PROTECTION

Accordingly, 9 CFR part 166 would be amended as follows:

1. The authority citation for part 166 would continue to read as follows:

Authority.: 7 U.S.C. 3802, 3803, 3804, 3808, 3809, 3811; 7 CFR 2.17, 2.51, and 371.2(d).

§ 166.15 [Amended]

2. Paragraph (a) of § 166.15 would be amended by adding "Indiana," immediately after "Iowa," and by removing "Maryland".

3. Paragraph (b) of § 166.15 would be amended by correcting the spelling of "Main" to "Maine"; by adding "Maryland," immediately after "Maine"; and by removing "Indiana".

4. Paragraph (d) of § 166.15 would be amended by removing "Alaska,".

Done in Washington, DC, this 17th day of April 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-9265 Filed 4-20-90; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 725

Permits for Access to Restricted Data; Atomic Vapor Laser Isotope Separation (U-AVLIS) Uranium Enrichment

AGENCY: Office of Uranium Enrichment, Department of Energy (DOE).

ACTION: Notice of proposed rulemaking.

SUMMARY: DOE is proposing to amend the regulation concerning permits for access to uranium isotope separation Restricted Data, 10 CFR part 725. The regulation establishes procedures and standards for the issuance of access permits to those private sector persons or groups who require access to Restricted Data for use in their business. Access permits are divided into separate technology categories. Category C-24 pertains to access to the gaseous diffusion and gas centrifuge processes for the separation of uranium isotopes, and for purposes other than uranium enrichment. The proposed rulemaking (1) updates Category C-24 to include the U-AVLIS technology for the separation of uranium isotopes, and (2) provides for an applicant qualifying for a permit pursuant to § 725.15(b)(3)(ii) to pay $100,000 for an access permit authorizing access to Restricted Data in subcategory A or $200,000 for an access permit authorizing access to Restricted Data in subcategory B.

The purpose of the first proposed change allows expansion of Category C-24 to include access to the Government funded U-AVLIS uranium isotope separation technologies. It is the Department's intent to initiate an industrial participation program to encourage private sector participation in the Government's uranium enrichment enterprise. This would be accomplished by executing contracts consistent with the terms and conditions set forth in the revised rule. Without the amendment, the Department could not establish a U.S. U-AVLIS industrial base to support

the future development, construction, and/or operation of U–AVLIS uranium facilities by the private sector. The purpose of the second proposed change, the alteration of access permit fees, is to offset increased Government costs to administer the access program.

The rulemaking is intended to assure that industrial expertise is incorporated into the U–AVLIS program to facilitate transition to commercial application.

DATES: Written comments (eight copies) must be submitted no later than June 22, 1990. DOE will hold a public hearing on the proposed rulemaking on May 22, 1990. Requests for an opportunity to speak at the public hearing must be received by DOE on or before May 18, 1990.

ADDRESSES: Written comments (eight copies) and requests to speak at the hearing should be addressed to: U.S. Department of Energy, Dr. Norton Haberman, Director, Office of Advanced Technology Projects and Technology Transfer (NE–35), Office of Uranium Enrichment, Washington, DC 20545, (301) 353–4781.

Hearing Location and Time: 9:30 a.m., U.S. Department of Energy, Forrestal Building Room 1E–245, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Arnold P. Litman, USDOE, Office of Advanced Technology Projects and Technology Transfer (NE–35), Washington, DC 20545, (301) 353–5777. Mr. Lawrence Leiken, USDOE, Office of General Counsel (GC–31), Washington, DC 20585, (202) 586–6975.

SUPPLEMENTARY INFORMATION:

I. Background
II. Analysis
III. Public Comment Procedures
  A. Written Comments
  B. Public Hearing
IV. Procedural Requirements
  A. Review Under Executive Order 12291
  B. Review Under the Regulatory Flexibility Act
  C. Paperwork Reduction Act
  D. National Environmental Policy Act

I. Background

The establishment of an industrial access program is an integral part of efforts by DOE to identify potential private participants interested in investing equity, technical, and managerial resources in the U.S. uranium enrichment enterprise. The goal of the access program is to provide the data base needed by the private sector to assess its levels of interest and terms and conditions for future participation in the enrichment enterprise's development, demonstration, and/or production programs. Also, an ongoing industrial access program would provide important information to the Government in exercising its decisionmaking responsibilities. The participants would provide the Department with independent reviews of the U–AVLIS program. This would include, but not be limited to, evaluations of the experimental program, transition plans, production plant cost estimates, and deployment options. The Department intends to augment existing mechanisms by which DOE's uranium enrichment program can benefit from industrial expertise in return for providing industrial firms access to the U–AVLIS technology.

In the conference report accompanying the Energy and Water Development Appropriations Act, FY 1990, (H.R. REP. NO. 235; 101st Cong., 1st Sess. 53 1989), Congress encouraged DOE to take steps to assure that an industrial perspective is incorporated into the U–AVLIS program. This proposed amendment to 10 CFR part 725 is an essential step in accelerating transfer of the U–AVLIS technology for uranium enrichment to an industrial organization that would take the technology from the laboratory to production.

The Department grants access to uranium isotope separation Restricted Data through Category C–24 access permits, currently applicable to only gaseous diffusion or gas centrifuge technology. Access to Restricted Data for isotopic separation of elements other than uranium requires either a Category C–44, "Nuclear Technology" or a Category C–65, "Plutonium Production," access permit. The Department has extensive experience in issuing permits under Category C–24. In June 1971, the Atomic Energy Commission, a predecessor agency of DOE, announced an industrial participant program to allow U.S. companies access to classified gaseous diffusion and gas centrifuge technology with the goal of transferring enrichment technology to the private sector.

Category C–24 defines the terms and conditions that must be satisfied to obtain uranium isotope separation information. Based upon existing regulations, applicants may apply for two subcategories of permits, A or B. Subcategory A includes technical information in summary form concerning the status and potential of Government funded processes for separating uranium isotopes. Subcategory B provides for up to full technical disclosure on any aspect of the uranium isotope separation process, including facility design, construction, and operation as well to all subcategory A information. To qualify for either access permit under existing regulations, an applicant is required to (1) demonstrate adequate technical, managerial, and financial qualifications, and (2) for subcategory A, agree to determine its interest in, or for subcategory B, propose to participate in, a large scale effort leading to the construction of additional gas centrifuge or gaseous diffusion production facilities. Regulations pertinent to this category were last amended in 1987, 52 FR 30138 (August 13, 1987).

In seeking to expand the scope of the access permit program, the Department emphasizes the legitimate interests and prerogatives that are recognized in the current regulations of the existing enrichment enterprise. The uranium enrichment organization currently must compete as a business against other suppliers of uranium enrichment services. Thus, the Department emphasizes that permit holders are to protect from public disclosure certain business information that is likely to cause serious competitive harm to DOE. 10 CFR 725.23(d)(9); 52 FR 30138 (August 13, 1987).

In the exercise of its discretion, the Department may attach additional conditions on access, as permitted by § 725.30, "Exceptions and Additional Requirements," to protect the public interest or the common defense and security. In the context of expanding access to U–AVLIS technology, the Department points out that among the factors to be considered under § 725.30 are the interests of the U.S. taxpayers who financed the development of the U–AVLIS technology as well as any foreign ownership in the entity requesting access.

Additionally, under the general authority of § 725.30, access permits may be conditioned to require industrial firms to provide DOE with independent reviews of the U-AVLIS program including evaluation of demonstration activities, transition plans, financing and capital venture schemes, and deployment options.

The Department intends to give priority to private sector persons or groups that apply for access permits to subcategory B. This would help assure the accelerated transfer of the U-AVLIS technology into the private sector.

II. Analysis

A brief description of the proposed changes to 10 CFR part 725, Permits for Access to Restricted Data, follows:

Subsection 725.23, Terms and Conditions of Access, would be modified to include altered annual

access fees. For subcategory A, the annual fee would be $100,000. For subcategory B, the annual fee would be $200,000. The fees would offset increased Government costs for additional personnel to administer the access program.

Appendix A to part 725, Categories of Restricted Data Available, Subcategory C–24 Isotope Separation, would be expanded to include access to U–AVLIS isotope separation technology, in addition to the gaseous diffusion and gas centrifuge technologies already provided for.

III. Public Comment Procedures

A. Written Comments

The public is invited to participate in this rulemaking by submitting comments on the proposed changes set forth in this notice. All comments should be submitted by the date specified in the "**DATES**" section of this notice and to the address in the "**ADDRESSES**" section of this notice. The outside envelope and the documents submitted should be identified with the designation "Comments on Permits for Access to Restricted Data." Eight copies should be submitted. All comments received by DOE will be available for public inspection in the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted that is considered to the Business Confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and if DOE determines that such information is not appropriately considered Business Confidential, it will advise the provider of such information 5 days in advance. If the provider of such Business Confidential information does not request its return, DOE shall treat such information according to DOE's determination.

B. Public Hearing

1. Requests to speak at the hearing must be submitted to the address indicated in the "**ADDRESSES**" section of this notice and received by DOE by the date indicated in the "**DATES**" section of this notice. Requests for oral presentations should contain a telephone number where you may be contacted prior to the hearing. Speakers will be notified before the date of the hearing as to the time for their presentations. Speakers are requested to submit eight copies of their statement to DOE at the hearing.

2. Conduct of the hearing. DOE reserves the right to schedule a person's respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard. The hearing begins at 9:30 a.m.

A DOE official will be designated to preside at the hearing, which will be held at DOE's Forrestal Building, 1000 Independence Ave., SW. This will not be an adjudicatory hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial statements, each person who has made a statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection in the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Transcripts may be purchased from the court reporter.

IV. Procedural Requirements

A. Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981), requires an agency to prepare a regulatory impact analysis for any proposed major rule. DOE has determined that this proposal does not constitute a "major rule," as defined in the Executive Order, because: (1) The proposed revisions in the access program will not directly result in the level of impact necessary to meet the definition of a "major rule," and (2) in keeping with the purpose and intent of the Executive Order, the proposed revisions will not increase the regulatory burdens on American society.

Pursuant to section 3(c)(3) of E.O. 12291 these rules were submitted to the Director of the Office of Mangement and Budget (OMB) for review. The Director has concluded his review under that Executive Order.

B. Review Under the Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, DOE certifies that the proposal will not have a significant economic impact on a substantial number of small entities because: (1) The proposed criteria will not directly result in the level of impact required to meet the standard set forth in the Regulatory Flexibility Act, (2) to the extent the proposed criteria may have any direct impact, such impact will not be adverse to small entities, and (3) the number of small entities that may be affected by the proposed criteria is not large enough to meet the standard set forth in the Regulatory Flexibility Act.

C. Paperwork Reduction Act

The proposed granting of access permits to the U–AVLIS technology does not directly provide for the collection of new information. Should the need to collect new information arise, DOE will submit any new information collection requests concerning the proposed rulemaking to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501.1 *et seq.*, and the procedures implementing that Act, 5 CFR 1320.1 *et seq.*

D. National Environmental Policy Act

DOE has determined that this proposed rulemaking, which permits additional access to the enrichment information data base, and does not involve alteration of existing facilities, clearly will not significantly affect the quality of the human environment. Further, as information dissemination, the proposed rulemaking is within a category of actions specifically excluded from preparation of either an Environmental Assessment or an Environmental Impact Statement by DOE's Guidelines for Compliance with the National Environmental Policy Act. The proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and is within a categorical exclusion provided by DOE's NEPA Guidelines. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

List of Subjects in 10 CFR Part 725

Classified information, Nuclear materials, Security measures.

For reasons set forth in the preamble, 10 CFR part 725 is proposed to be amended as set forth below.

Issued in Washington, DC on April 17, 1990.

William H. Young,

Assistant Secretary for Nuclear Energy.

PART 725—PERMITS FOR ACCESS TO RESTRICTED DATA

1. The authority citation for part 725 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 943, 42 USC 2201.

2. Section 725.23 is amended by revising paragraph (d)(8) to read as follows:

§ 725.23 Terms and conditions of access.

* * * * *

(d) * * *

(8) The permittee agrees to pay such reasonable compensation as DOE may elect to charge for the commercial use of its inventions and discoveries including related data and technology. Additionally, the permittee agrees to pay an annual participation fee. The fee shall be $100,000 for the annual access permit authorizing access to Restricted Data in subcategory A. The fee shall be $200,000 per year for an annual access permit authorizing access to Restricted Data in subcategory B.

* * * * *

3. Category C–24 of appendix A to part 725, Categories of Restricted Data Available, is revised to read as follows:

Appendix A to Part 725—Categories of Restricted Data Available

C–24 Isotope separation.—This category is divided into subcategories A and B.

Subcategory A includes information in summary form concerning the status and potential of the gaseous diffusion process, the U–AVLIS process, and the gas centrifuge process for the separation of uranium isotopes.

Subcategory B includes all subcategory A information as well as the following information:

a. Any aspect of separating one or more isotopes of uranium from a composition containing a mixture of isotopes of that element by the gaseous diffusion process, the U–AVLIS process, or the gas centrifuge process.

b. Design, construction, and operation of any plant, facility or device capable of separating by the gaseous diffusion process, the U–AVLIS process, or the gas centrifuge process, one or more isotopes of uranium from a composition containing a mixture of isotopes of that element, including means and methods of transporting materials from one to another device.

* * * * *

[FR Doc. 90–9337 Filed 4–20–90; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–90–8]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the publics awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 22, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Petition Docket No. 26144, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC on April 16, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Rulemaking

Docket No.: 26144.

Petitioner: Long Island Pilots Association.

Regulations Affected: 14 CFR Section 71.401(b).

Description of Petition: The petitioner proposes to modify the New York terminal control area (TCA) to include a "V" shaped east-west VFR corridor as follows: Between 2000 and 3000 feet m.s.l. from Deer Park VOR, Victor 1–16, JFK VOR, direct Colts Neck VOR. Between 2000 and 3000 feet m.s.l. from Deer Park VOR, direct LaGuardia VOR, direct Sparta VOR. Altitude encoded transponders should be required. There should be no requirement for air traffic control clearance into the corridor.

Petitioner's Reason for the Request: The petitioner states that since clearance for corridor use will not be necessary, frequency clutter will be greatly reduced, especially at peak periods when flight following service is impossible anyway. The petitioner believes that will vastly improve clarity of communication and will also help avoid controller distraction of the kind that was instrumental in the Cerritos tragedy.

[FR Doc. 90–9331 Filed 4–20–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Chapter I

[Docket No. 25784; PR 90–9]

Petition of Steven J. Wolff, et al.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Petition for rulemaking.

SUMMARY: This notice publishes for public comment a summary of the petition of Steven J. Wolff, et al., as provided by the petitioners. The petition relates primarily to the FAA's enforcement practices and policies involving civil penalty actions and certificate suspension and revocation. An FAA summary of the petition was previously published November 28, 1989 (54 FR 48912) and February 21, 1990 (55 FR 6002).

The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of the petition or its final disposition.

DATES: Comments must be received on or before October 22, 1990.

ADDRESSES: Send comments on this petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 25784, 800 Independence

Avenue, SW., Washington, DC 20591, or deliver in triplicate to room 916, 800 Independence Avenue, SW., Washington, DC. Comments delivered must be marked: Docket No. 25784. Comments may be inspected at room 916 weekdays, except holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Sheilah Kleiman, Office of Chief Counsel, (AGC–250), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9956.

SUPPLEMENTARY INFORMATION:

Comments Invited

On November 28, 1989 (54 FR 48912) and February 21, 1990 (55 FR 6002), the FAA published a summary of the subject petition. The summary was prepared by the FAA. The FAA did not publish the summary submitted by the petitioners. It did not comply with § 11.25, which requires that the summary submitted by the petitioner contain "a brief description of the general nature of the rule requested and a brief description of the pertinent reasons presented in the petition for instituting rulemaking procedures." The petitioners' summary was verbose in discussing the reasoning presented in support of the petition and contained numerous assertions arguably not related to the specific request being made.

Subsequent to the publication of the summary, one petitioner brought suit against the FAA in *Clark* v. *Busey*, No. CIV 90 0164 TUC RMB (D. Ariz. filed Mar. 27, 1990). That petitioner seeks an order of the Court requiring the FAA to publish verbatim the summary the petitioners submitted with their petition.

The FAA maintains that it has an obligation to ensure that the summaries of petitions for rulemaking that it publishes in the **Federal Register** are accurate and concise. For this reason it has the discretion to reject a petitioner's summary and to compose and publish one of its own in accordance with § 11.27(b). However, defending the suit brought against the FAA could expend a considerable amount of public resources, perhaps more than the cost to the government of publishing the petitioner's summary in full in the **Federal Register.**

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket and petition notice number and be submitted in triplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed stamped postcard which states "Comments to Docket No. 25784." The postcard will be date/time stamped and returned to the commenter.

The Summary of Petition for Rulemaking

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following summary of petition for rulemaking of Steven J. Wolff, et al.

Issued in Washington, DC, on April 18, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Summary—Petition for Rulemaking

Subject: Creation of a comprehensive enforcement rule.

Petitioners: Fountain FAA certificate holders.

Prepared by: Lawrence B. Smith, Attorney, 3938 E. Grant Rd., Box 191, Tucson, Arizona; 602/326–0283.

Purpose: (1) To consolidate FARs 13.15 (civil penalty action) and 13.19 (certificate action) into a single rule, which will also incorporate related policies not found in either.

(2) To correctly state the law for civil penalties. The Federal Aviation Act of 1958 (FA Act) provides that any safety violator "*shall be*" subject to a civil penalty, with right to jury trail in district court. FAR 13.15 says he "*is*" subject to a civil penalty "*if contemplated.*"

(3) To advise airmen that licenses may be suspended or revoked as punishment for safety violations. These comprise perhaps 95% of cases against pilots, yet FAR 13.19 says nothing of violations or penalties, it speaks only of *reinspection* of aircraft and *reexamination* of airmen.

(4) To explain that FAA may choose either civil penalty or certificate action and, once started, may shift to the other; that the FA Act provides no hearing in which to challenge use of the emergency power.

(5) *In its 30 years,* FAA has *never* involved the public in making enforcement policy. The NPRN will allow public comment on key issues: *e.g.,* whether as much as 95% of pilot violations should suffer suspension, rather than a money fine.

Authority to impose certificate penalties is in doubt, the NPRM provides a means for legal challenge. *The proposal does not add or change any policy, but states them as they are.* The Administrative Conference of the U.S. (ACUS), an independent watchdog agency, has urged Congress to look into FAA's failure to tell the public how enforcement works.

Hazardous materials and aircraft registration matters should be treated separately and are not included. Nor is the new test program of in-house FAA civil penalty hearings; if made permanent, it can easily be worked into the final rule. Any omissions or inaccuracies in this proposal can be remedied in the final rule.

Summary of Proposed Rule

A. Two systems of justice
B. Choice of systems
C. How case initiated
D. Civil penalty action
E. Certificate action—lack of qualifications
F. Certificate action—punitive sanctions
G. Certificate action—NTSB appeals
H. Shift in sanctions
I. Emergency power
J. Delegration of authority and restrictions

¶ *A* FAA uses two separate systems of justice to punish safety violations:

(1) Civil penalty with right to jury trial in district court.

(2) Certificate suspension or revocation tried before NTSB law judge.

(3) Suspension and revocation also used for qualifications purposes.

¶ *B* (1) In a violation case, FAA chooses either civil penalty or certificate action.

(2) May shift certificate action to money fine.

(3) May use both in same case, but seldom does.

(4) May suspend for lack of qualifications, and also use as punishment in same case.

(5) Administrator delegates enforcement authority.

¶ *C* (1) Letter of investigation invites supect to explain incident but does not tell him which regulation thought violated; explains that statements thus made may be used in later trial.

(2) Case initiated by civil penalty letter or notice of proposed certificate action; information solicited may be used in later trial.

(3) Accused has right to informal conference with FAA lawyer; information provided there *will not* be used in later trial.

(4) Accused has right to attorney, or other representative, but not required.

(5) Other options: turn in certificate and take punishment; ask order be issued to expedite appeal.

(6) Process served by certified mail or personally.

(7) Air Safety Reporting Program may provide penalty waiver.

¶ *D* (1) FA Act, § 901, provides that "*any* person who violates *any* rule *shall be* subject to a civil penalty not to exceed $1,000" ($10,000 for air carriers).

(2) One incident may involve several rules at $1,000 each, or $1,000 for each day violation continues.

(3) Penalty may be compromised; payment not an admission of guilt; but letter placed in file.

(4) If not settled, case sent to U.S. Attorney, who may also try compromise. Even if FAA offered $200, suit is for $1,000. Have right to jury trial; penalty collected by civil procedures.

¶ *E* (1) FA Act, section 609, authorizes suspension/revocation after reinspection and reexamination to assure qualifications continue to be met during lawful use of certificate.

(2) Suspension used where holder resists reexamination; issue on appeal is if FAA is reasonable.

(3) (a) Revocation used when FAA convinced holder lacks qualifications and problems cannot be corrected; issue is if holder meets requirements.

(b) Revocation used where repeated offenses show lack of "care, judgment and responsibility" required of any certificate holder. Mechanic's license, for instance, can be revoked, although violation unrelated to that certificate.

(4) One year limit, then holder can be reexamined and issued a similar certificate.

(5) Qualification issues, and penalty may be pursued in same case.

(6) May appeal to NTSB.

¶ *F* (1) FAA interprets section 609 to authorize the Administrator to suspend or revoke solely as punishment anytime he declares it is in the interests of air safety and the public.

(2) One-year limit on length of a punitive suspension; if revoked, may apply after that to be reexamined. No such limit for operators.

(3) NTSB doesn't allow suspension penalty if notice issued more than six months from date of violation.

(4) Once suspension is proposed, FAA won't increase it or upgrade to revocation, nor any NTSB.

(5) Prior offenses used to justify longer suspension, or to upgrade to revocation. No age limit or prior offense so used.

(6) FAA may use retroactive suspension orders where pilot or mechanic has already served company discipline, if equivalent.

(7) If person commits flying offense, but has no certificate, is subjected to civil penalty with right to jury trial; stop order placed on future application for pilot certificate.

¶ *G* (1) Explains NTSB appeal procedure.

(2) On appeal, get automatic stay of FAA order, unless emergency power used.

(3)(a) Appeal is two-steps: Trial by law judge, usually held in convenient city; no court costs; may use attorney, other person, or represent self.

(b) Either airman or FAA may appeal initial decision to full Board, which acts much like court of appeals.

(4) Only airman may appeal from NTSB to appeals court; must secure stay from Board, or court.

(5) Board does not revoke as punishment, only lack of qualifications; it recognizes lack of "care, judgment and responsbility" as qualifications matter, although no such FAR exists.

(6) Board admits evidence of prior certificate penalties without prior notice, to support more severe penalty.

¶ *H* FAA may shift punitive certificate action to civil penalty if convinced penalty more severe than warranted, *e.g.*, pilot files for business or profession. If suspension settled by money fine, airman waives right to jury trial.

¶ *I* (1) Section 609 authorizes emergency suspension and revocation for lack of regulatory qualifications. Power also used where repeated offenses indicate lack of "care, judgment and responsibility." Board has 60 days to dispose of case.

(2) Explains expedited Board procedure.

(3) Board considers only unerlying charges, does not determine if emergency is justified. There is no recourse to use of that power, like the prompt hearing provided for a judicial temporary restraining orders.

(4) Emergency justified only if conduct indicates immediate danger of injury to person or property.

¶ *J* (1) Administrator must specifically delegate enforcement authority.

(2) Lists officials to whom authority delegated.

(3) Regional counsels' authority restricted; significant cases must be coordinated with Hqs.

Supporting Arguments

Foreword: Agency enforcement manuals are the source of most of those policies contained in the proposed rule which have heretofore never been published or promulgated. The arguments that FAA has no authority for suspension/revocation penalties are abstracted from Smith, FAA PUNITIVE CERTIFICATE SANCTIONS: THE EMPEROR WEARS NO CLOTHES; OR, HOW DO YOU PUNISH A PROPELLER?, 14 Transp. L.J. 59–100 (1985) ["Emperor"]. The Administrative Procedure Act (APA) requires that FAA promulgate (NPRM) the sort of policies incorporated into the proposed rule. FAA policy states "that the public interest is best served when regulatory affairs are open to the public to the fullest extent possible." FAA, in its 30 years has never allowed the public to participate in making enforcement policy or in promulgating the few rules contained in the Code of Federal Regulations (CFR).

A. *Two systems of justice* No FAA rule informs the public it can use two disparate tracks of justice: civil penalty with right to "demand" jury trail; suspension/revocation with one-man administrative hearing. Or that it claims the right to take away the citizen's right to jury trial.

B. *Choice of systems* Makes clear the consequences of having the two systems of justice.

C. *How case initiated and options* The suspect should know that FAA fails to tell him in the letter of investigation what rule they think he violated; that the response solicited will be used against him, but *not* what he says in an informal conference with an agency lawyer.

D. *Civil penalty action* FAA's civil penalty rule misrepresents the law: Section 901 says "*any* person who violates *any* rule *shall be* subject to a civil penalty"; FAR 13.15 says "*a* person *is* subject to * * * *if* * * * contemplated." Noting the statutory right to jury trial underscores FAA's claim it can deny the right to jury trial.

E. *Certificate action—lack of qualifications* Any comprehensive rule should spell out the dichotomy in certification action: (a) Qualifications matters; (b) suspension/revocation as punishment for violations. Alleging lack of "care, judgment and responsibility," rather than FAR qualification standards and criteria, is the basis for the vast majority of revocations, especially of operators, yet there is no such FAR. That is a violation of the APA. FAA officials once began but dropped a project to create such a rule, an admission they should have one.

F. *Certificate action—punitive sanctions* Need for a rule The FA Act doesn't even hint that suspension and revocation may be used for punitive purposes. FAA has never promulgated any such rule, though decades ago one did exist, but disappeared. Common sense dictates the agency should have a rule that tells pilots and mechanics their licenses are at risk for the violation of a safety regulation. Failure to do so

violates the APA and is an absolute defense against such action.

Airmen should be told that once proposed FAA will not increase a suspension; that it factors in prior offenses so the airman is punished twice; for professional pilots, FAA can tailor its order to match company discipline, retroactively, or in futuro.

Lack of authority Appeals courts have upheld the punitive certificate sanction power, but their decisions are based on a fundamental mistake of fact which renders them valueless as precedent: they hold that Congress authorized the system in 1938, when, in fact, it started in 1926. The only system of justice Congress has ever considered—or adopted—is the civil money fine with right to demand jury (in 1926, readopted in 1938 and 1958); no bill has ever been introduced to allow suspension penalties, no congressional hearings ever held on whether to add this second system of justice. *Emperor* traces this history in detail. It is contrary to common sense that Congress, having selected a system where one could "demand" jury trial, would turn right around and authorize the official who initiates the case to deny that right. The asserted power is based only on vague language about public interest and air safety in section 609, thus it is FAA which has created the sanction. This is an unconstitutional delegation of power and violates the APA: Only *Congress* may create benefits or sanctions.

G. *Certificate actions—NTSB appeals* This information is vital to an overall understanding how the enforcement system works.

H. *Shift in sanctions* Need for a rule FAA officials claim the power to shift a suspension to a money fine; they've done it a thousand times. But they've never put this in a rule. Airmen should at least be told they can *ask*.

Lack of authority This power highlights the question: why are the vast majority of violation cases begun as certificate actions in the first place? FAA officials should have to explain what happens to the right to jury trial when they shift to a money fine, and could have used that system from the start.

I. *Emergency power* Need for a rule FAA has never had a rule for its emergency power, though the old CAA did. This is a violation of the APA. The power is draconian. FAA officials should have to explain in detail in an affidavit why there is an emergency. An alternate system could be devised to license the key officials already required by the FARs, then suspend or revoke them rather than shut down the entire operation and harm innocent employees, creditors, bankers, stockholders.

Power unconstitutional The power is an executive temporary restraining order (TRO); failure to provide a prompt hearing on whether the airman or operator is truly a threat to air safety violates due process. The NTSB only makes findings on the underlying charges, and that takes 60 days, which few operators can survive. Congress authorized the FAA to go to federal court, but it is easier for FAA lawyers to dictate a letter than sell the case to a U.S. Attorney and tough district judge.

J. *Delegation of authority and restrictions* It is customary for FAA to list in the FARs those officials to whom the Administrator's authority is delegated. Lately, this authority has been spread around. Airmen should know who makes the decisions.

[FR Doc. 90-9323 Filed 4-20-90; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-48-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires inspection and repair, if necessary, of the wing center section front spar web. That AD provided for two different optional modifications which, if incorporated, terminated the required repetitive inspections. This action would require additioanl inspections of airplanes modified with angle stiffeners, one of the optional modifications. This proposal is prompted by sevearl reports of cracking found after the modification was installed. This condition, if not corrected, could result in loss of cabin pressure.

DATES: Comments must be received no later than June 18, 1990.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-48-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Kathi N. Ishimaru, Airframe Branch, ANM-120S; telephone (206) 431-1525. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-48-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On July 29, 1986, the FAA issued AD 86-18-03, Amendment 39-5384 (51 FR 28066; August 5, 1986), to require inspection and repair, if necessary, of the wing center section front spar web on certain Boeing Model 727 series airplanes. That action was prompted by several reports of cracks found in the wing center section front spar web. This condition, if not corrected, could result in loss of cabin pressure.

AD 86-18-03 included two different optional modifications which, if either were installed, terminated the requirement for repetitive inspections. Since issuance of that AD, there have been reports of cracking in areas previously modified. The reported cracks have occurred on airplanes modified with angle stiffeners. The FAA has determined that this terminating modification has proved ineffective in preventing cracks; therefore, airplanes modified in this manner must continue to be inspected for cracks.

The FAA has reviewed and approved Boeing Service Bulletin 727-57-0107, Revision 6, dated November 22, 1989, which describes procedures for inspection and repair of the wing center section front spar web.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 86-18-03 with a new airworthiness directive that would also require additional inspections of airplanes modified with angle stiffeners and repair, if necessary, in accordance with the service bulletin previously described. This proposed rule would also revise one of the previously specified terminating modifications.

There are approximately 191 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 153 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. opeartors is estimated to be $48,960.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Fedearlism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12,1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-5384 (51 FR 28066; August 5, 1986), AD 86-18-03, with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, listed in Boeing Service Bulletin 727-57-0107, Revision 6, dated November 22, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracks in the wing center section front spar web, accomplish the following:

A. Except as provided in paragraphs F. and G., below, prior to the accumulation of 15,000 landings since manufacture, or prior to the accumulation of 500 additional landings after September 11, 1986 (the effective date of Amendment 39-5384), whichever occurs later, visually inspect the wing center section for cracks in accordance with Figure 1 of Boeing Service Bulletin 727-57-107, Revision 6, dated November 22, 1989 (hereafter referred to as "the service bulletin"). If no cracks are detected, repeat the visual inspection at intervals not to exceed 1,000 landings.

B. If a single crack less than two inches in length is detected on either side of Body Buttock Line (BBL) 0.0, before further flight, the crack must be stop-drilled at each end in accordance with the Boeing 727 Structural Repair Manual (SRM), and visually reinspected at intervals not to exceed 10 landings for crack growth beyond the stop holes. If crack growth occurs beyond any stop hole, accomplish the procedures required by paragrpah C. or D., below.

C. If a single crack between two and five inches in length is detected on either side of BBL 0.0, before further flight, the crack must be stop-drilled at each end in accordance with the Boeing 727 SRM, and the crack must be repaired in accordance with Boeing Drawing Number 69-62491-2. Visually reinspect the affected area at intervals not to exceed 200 landings for crack growth beyond any stop hole. If crack growth occurs beyond any stop hole, accomplish the procedures required by paragraph D., below.

D. If any crack greater than five inches is detected, or if more than one crack on either side of BBL 0.0 is detected, they must be stop-drilled in accordance with the Boeing 727 SRM, and modified in accordance with paragraph E., below.

E. To terminate the repetitive inspection requirements of paragraphs A., B., and C., above, and F., below, accomplish one of the following:

1. Accomplish the modification described in Part I.D. of the Accomplishment Instructions of the service bulletin; or

2. Accomplish the interim modification described in Part I.E. of the Accomplishment Instructions of the service bulletin. Prior to the accumulation of 12,000 landings after the incorporation of the interim modification, eddy current inspect the fastener and any stop holes for crack growth, oversize the holes, stop-drill any new cracks in accordance with the Boeing 727 SRM, and incorporate the terminating modification in accordance with Part I.E. of the Accomplishment Instructions of the service bulletin.

F. Airplanes that have been modified prior to accumulating 20,000 landings, by installing angles back-to-back with existing stiffeners, must be inspected prior to the accumulation of 12,000 landings since the modification or within the next 1,000 landings after the effective date of this Amendment, whichever occurs later, in accordance with Figure 1 of the service bulletin. If cracks are found, before further flight, accomplish paragraph B., C., or D., above, as appropriate. If no cracks are found, reinspect thereafter at intervals not to exceed 1,000 landings.

G. Airplanes that have been modified after accumulating more than 19,999 landings, by installing angles back-to-back with existing stiffeners must be inspected within the next 1,000 landings after September 11, 1986 (the effective date of Amendment 39-5384), in accordance with Figure 1 of the service bulletin. If cracks are found, before further flight, accomplish paragraph B., C., or D., above, as appropriate. If no cracks are found, reinspect thereafter at intervals not to exceed 1,000 landings.

H. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

I. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA,

Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 Est Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on April 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-9325 Filed 4-20-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Arkansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: OSM is announcing reopening of the public comment period for a previously-proposed amendment to the Arkansas permanent regulatory program (hereinafter referred to as the Arkansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is reopening the comment period in response to Arkansas submitting additional explanatory information and revisions to the previously-proposed amendment. The additional explanatory information and revisions pertain to the requirements for the reporting of violations and ownership and control data, and the criteria and procedures for the identification and rescission of improvidently issued permits. The amendment is intended to revise the State regulations to be consistent with corresponding Federal regulations.

This notice sets forth the times and locations that the Arkansas program and proposed amendment to that program are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4 p.m., c.d.t. May 8, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Arkansas program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 550, Tulsa, OK 74135, Telephone: (918) 581-6430.

Arkansas Department of Pollution Control and Ecology, Mining Reclamation Division, 8001 National Drive, Little Rock, AR 72209, Telephone: (501) 570-2170.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Director, Tulsa Field Office, (918) 581-6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Arkansas program. General background information on the Arkansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Arkansas program, were published in the November 21, 1980, **Federal Register** (45 FR 77003). Subsequent actions concerning Arkansas program and program amendments are at 30 CFR 904.12 904.15, and 904.16.

II. Proposed Amendment

By letter dated December 18, 1989, and received in the Tulsa Field Office on January 8, 1990, (administrative record No. AR-386), Arkansas submitted a proposed amendment to its program pursuant to SMCRA. Arkansas submitted the proposed amendment in response to a May 11, 1989, letter that OSM sent to Arkansas in accordance with 30 CFR 732.17(c).

The regulations that Arkansas proposes to amend concern the definition of ownership and control of surface coal mining and reclamation operations, requirements for the reporting of violations and ownership and control data and the effect of that information on various permitting decisions, and criteria and procedures for the identification and rescission of improvidently issued permits. Specifically, Arkansas proposes to amend Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) sections 778.13 and 778.14, respectively the identification of interests and compliance information for surface mining permit applications; 786.5, 786.17, and 786.19, respectively the definition of "owned or controlled and owns and controls," review of permit applications, and criteria of permit review or denial, as they all relate to the review, public participation, and approval or disapproval of permit application and permit terms and conditions; 786.27, general and right-of-entry conditions of permits; 786.30 and 786.31, respectively general procedures and rescission procedures for improvidently issued permits; and 843.11, cessation orders.

OSM published a notice in the January 23, 1990, **Federal Register** (55 FR 2239) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (administrative record No. AR-393). The public comment period ended February 22, 1990.

During its review of the amendment, OSM identified concerns relating to ASCMRC 778.13(a)(7), identification in the permit application of the person who will pay the abandoned mine land reclamation fee; ASCMRC 778.13(h), format of required permit information; and ASCMRC 786.30(b), the violations review criteria to be used to determine when a permit has been improvidently issued. OSM notified Arkansas of the concerns by letter dated February 28, 1990 (administrative record No. AR-393). Arkansas responded in a letter dated April 2, 1990, by submitting a revised amendment package, which included revisions to Arkansas' proposed rules at ASCMRC 778.13(a)(7) and 778.13(h), and a policy statement concerning ASCMRC 786.30(b) (administrative record No. AR-394).

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Arkansas program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Arkansas program.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

List of Subjects in 30 CFR Part 904

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 13, 1990.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 90-9297 Filed 4-20-90; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Cardiac Rehabilitation

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed amendment of rule.

SUMMARY: This amendment proposes to revise the DoD Regulation 6010.8-R (32 CFR 199) by establishing CHAMPUS benefits for cardiac rehabilitation. This proposed amendment will offer coverage under the CHAMPUS program for cardiac rehabilitation when used as a treatment modality following specific cardiac events.

DATES: Written public comments must be received on or before May 23, 1990.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045.

FOR FURTHER INFORMATION CONTACT: Judith A. Carroll, Office of Program Development, OCHAMPUS, telephone (303) 361-3521.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title. 32 CFR part 199 (DoD 6010.8-R) was reissued in the **Federal Register** on July 1, 1986 (51 FR 24008). Currently, CHAMPUS does not extend benefits for cardiac rehabilitation programs nor the monitoring of any tests while participating in a cardiac rehabilitation program. Although current regulatory provisions allow payment for medically necessary rehabilitation services designed to restore patients to a normal level of functioning following disease or injury, to date CHAMPUS has not been included coverage for cardiac rehabilitation services. The unresolved controversy over the efficacy and medical necessity of treatment, the lack of uniform standards among programs, the lack of national endorsement by a recognized technology assessing group, and the high costs, resulted in an agency decision to exclude coverage for cardiac rehabilitation.

In October 1987, the Diagnostic and Therapeutic Technology Assessment (DATTA) and in August 1988, the Office of Health Technology and Assessment (OHTA) issued reports which indicate that cardiac rehabilitation services are an integral part of the rehabilitation treatment of patients with coronary artery disease, specifically, patients who have had a myocardial infarction (MI), coronary artery bypass graft (CABG), or chronic stable angina pectoris. Additionally, in October 1988, The American College of Physicians published a report entitled "Cardiac Rehabilitation Services" in the Annals of the Internal Medicine which endorsed cardiac rehabilitation as appropriate for selected patients after MI, and coronary revascularization, or coronary angioplasty. The article further indicated that, although data was limited, patients with debilitating angina pectoris or symptomatic left ventricular dysfunction may also be candidates for cardiac rehabilitation when these disorders fail to respond to standard medical or surgical interventions. These endorsements further establish cardiac rehabilitation as the standard of care within the medical community and support previous premises that cardiac rehabilitation programs can improve the functional capacity of the heart and thus improve overall health outcome.

Since endorsement of cardiac rehabilitation services by several national technology assessing groups, as an effective treatment modality following certain cardiac events, OCHAMPUS feels that continued denial of cardiac rehabilitation services is inappropriate and no longer supportable under current regulatory provisions and has decided to extend benefits for cardiac rehabilitation services. We are proposing an effective date of October 9, 1987, to coincide with the date the DATTA assessment appeared in the Journal of the American Medical Association.

In determining benefit design, the following factors influenced the resultant proposed recommendations for coverage in the proposed rule: (1) Cost, (2) current policies and reimbursement practices and trends of other third party payors, including Medicare, (3) studies which have identified the population best served through cardiac rehabilitation, (4) current and future needs of the CHAMPUS beneficiary population, and (5) current law and regulatory provisions which govern the CHAMPUS program.

The proposed rule incorporates many of the recommendations made by the previously mentioned national technology assessing bodies. The lir 'ts on duration of treatment provide coverage consistent with Medicare and other major third party payors. Provider status is limited to otherwise authorized CHAMPUS participating hospitals based primarily on the fact that relevant professional accreditation programs directed specifically at cardiac rehabilitation programs have not yet been established. Proposed payment methodology is based on a total program concept similar to Medicare's. These limits ensure the expenditure of government funds for medically appropriate treatment found to be medically beneficial while simultaneously controlling government costs. The maximum projected cost of this benefit is 5.8 million dollars during the first full year of benefit coverage. This estimate is based on a user population expected to be afflicted with coronary heart disease. We expect the above projected cost for establishing and maintaining a cardiac rehabilitation benefit will offset some of the costs associated with future medical needs and complications of high risk cardiac patients.

This proposed rule offers coverage for services now unavailable to the CHAMPUS beneficiary population, but which are available to their civilian counterparts. It is an enhancement of military benefits. Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires that each federal agency prepare and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. The Secretary certifies, pursuant to section 605(b) of Title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this regulation amendment will not have a significant economic impact on a substantial number of small businesses, organizations, or government jurisdictions. The proposed rule will broaden the scope of CHAMPUS benefits by extending benefits to include coverage for cardiac rehabilitation services. It will not involve any significant burden on CHAMPUS beneficiaries or providers of cardiac rehabilitation services. Cost-containment parameters have been built into the proposed rule. It is not

therefore, a "major rule" under Executive Order 12291.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

Accordingly, 32 CFR, chapter I is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 10 U.S.C 1079, 1086, 5 U.S.C. 301.

Section 199.4 is amended by adding a new paragraph (e)(18) as follows:

§ 199.4 Basic Program Benefits.

* * * * *

(e) * * *

(18) *Cardiac Rehabilitation.* Cardiac rehabilitation is the process by which individuals are restored to their optimal physical, medical, and psychological status, after a cardiac event. Cardiac rehabilitation is often divided into three phases. Phase I begins during inpatient hospitalization and is managed by the patient's personal physician. Phase II is a medically supervised outpatient program which begins following discharge. Phase III is a lifetime maintenance program emphasizing continuation of physical fitness with periodic followup. Each phase includes an exercise component, patient education, and risk factor modification. There may be considerable variation in program components, intensity and duration.

(i) *Benefits Provided.* CHAMPUS benefits are available on an inpatient or outpatient basis for services and supplies provided in connection with a cardiac rehabilitation program when ordered by a physician and provided as treatment for patients who have experienced the following cardiac events within the preceding twelve (12) months:

(A) Myocardial Infarction.

(B) Coronary Artery Bypass Graft.

(C) Coronary Angioplasty.

(D) Percutaneous Transluminal Coronary Angioplasty.

(E) Chronic Stable Angina (see limitations below).

(ii) *Limitations.* Payable benefits include separate allowance for the initial evaluation and testing. Outpatient treatment following the initial intake evaluation and testing is limited to a maximum of thirty-six (36) sessions per cardiac event, usually provided 3 sessions per week for twelve (12) weeks. Patients diagnosed with chronic stable angina are limited to one treatment episode (36 sessions) in a calendar year.

(iii) *Exclusions.* Phase III cardiac rehabilitation lifetime maintenance programs performed at home or in medically unsupervised settings are not covered.

(iv) *Providers.* A provider of cardiac rehabilitation services must be a CHAMPUS authorized hospital. (Refer to Section 199.6, "Authorized Providers.") All cardiac rehabilitation services must be ordered by a physician.

(v) *Payment.* Payment for outpatient treatment will be based on an all inclusive allowable charge per session. Inpatient treatment will be paid based upon the reimbursement system in place for the hospital where the services are rendered.

(vi) *Implementation Guidelines:* The Director of CHAMPUS shall issue guidelines as are necessary to implement the provisions of this paragraph.

Dated: April 17, 1990.

L.M. Bynum,

Alternate OSD Federal Liaison Officer, Department of Defense.

[FR Doc. 90-9277 Filed 4-20-90; 8:45 am]

BILLING CODE 3810-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6975]

Proposed Flood Elevation Determinations, Pennsylvania; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 54 FR 53335 on December 28, 1989. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Davidson, Sullivan County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Davidson, previously published at 54 FR 53335 on December 28, 1989, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The entries under Davidson (Township), Sullivan County are corrected to read as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Muncy Creek:	
Approximately 1,000 feet downstream of U.S. Route 220 (State Route 42)	*853
Approximately 4,000 feet upstream of U.S. Route 220 (State Route 42)	*892
Approximately 0.62 mile upstream of T-309 (Peck Road)	*991

Issued: April 17, 1990.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 90-9311 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-201, RM-7185]

Radio Broadcasting Services; Fayetteville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Demaree Media, Inc., licensee of Station KKEG(FM), Fayetteville, Arkansas, seeking the substitution of FM Channel 221C3 for Channel 221A and modification of its license accordingly. Coordinates for this proposal are 36-11-00 and 93-59-00.

DATES: Comments must be filed on or before June 8, 1990, and reply comments on or before June 25, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Demaree Media,

Inc., Attn: Patrick Demaree, President, P.O. Box 878, Fayetteville, AR 72702.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–201, adopted March 21, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Divsion, Mass Media Bureau.

[FR Doc. 90–9251 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–202, RM–7134]

Radio Broadcasting Services; Barstow, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of First American Communications Corp., licensee of Station KDUC(FM), Channel 232A, Barstow, California, seeking the substitution of FM Channel 232B1 for Channel 232A and modification of its license accordingly. Coordinates for this proposal are 34–58–15 and 117–02–22.

DATES: Comments must be filed on or before June 8, 1990, and reply comments on or before June 25, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert A. Marment and Harold K. McCombs, Jr., Esqs., Marmet and McCombs, 1822 Jefferson Place, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–202, adopted March 21, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–9250 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–203; RM–7228]

Radio Broadcasting Services; Plymouth, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Community Service Broadcasters, Inc., licensee of Station WNZE(FM), Channel 232A, Plymouth, Indiana, seeking the substitution of FM Channel 232B1 for Channel 223A and modification of its license accordingly. Coordinates for this proposal are 41–30–18 and 86–17–55.

DATES: Comments must be filed on or before June 8, 1990, and reply comments on or before June 25, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Community Service Broadcasters, Inc., Attn: Kenneth E. Kunze, President, 112 W. Washington St., Plymouth, IN 46563.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–203, adopted March 21, 1990, and released April 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–9249 Filed 4–20–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA93

Migratory Bird Hunting; Zones In Which Lead Shot Will Be Prohibited for the Taking of Waterfowl, Coots and Certain Other Species in the 1990-91 Hunting Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The use of lead shot in waterfowl hunting poses an unnecessary risk to certain migratory birds because when the spent shot is consumed it often produces lead poisoning and death. Accordingly, this proposed rule describes the zones in which the use of lead shot would be prohibited for hunting waterfowl, coots and certain other species in the 1990-91 season. The zones described consist of: (1) The same areas that were already identified as nontoxic shot zones for waterfowl and coot hunting in sec. 20.108 of Title 50 of the Code of Federal Regulations (50 CFR) for the 1989-90 hunting season; (2) the added counties identified for 1990-91 in Appendix N of the Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in the United States (see Table 1 in Supplementary Information); and (3) those additional areas identified by the States where acceleration of the nontoxic shot phase-in schedule is considered appropriate because of potential administrative, enforcement and/or lead poisoning problems. States that have declared a statewide ban on the use of lead shot for waterfowl and coot hunting are so noted.

DATES: Comments on this proposal will be accepted until May 23, 1990.

ADDRESSES: Submit comments to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, 634 Arlington Square, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Thomas Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 634 Arlington Square, Washington, DC 20240 (703/358-1714).

SUPPLEMENTARY INFORMATION: This rule implements the fourth year (1990-91) of the 5-year component of the strategy to phase-in a nontoxic shot requirement for waterfowl hunting nationwide by the 1991/92 season, as set out by the preferred alternative of the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States published in June 1986 (FES 86-16). The SEIS and consequent rulemakings imposing nontoxic shot requirements result from the Secretary of Interior's responsibilities under the Migratory Bird Treaty Act (MBTA), as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), and the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), to decide whether, where and how migratory bird hunting will be allowed. A critical element in the Department of the Interior's deliberations and decision to implement and enforce regulations establishing nontoxic shot zones nationwide has been the determination that lead poisoning resulting from watewrfowl hunting is a significant annual mortality factor in certain migratory birds.

Information detailing the scientific basis for concluding that lead shot from waterfowling is causing lead poisoning in certain migratory birds and the development of the strategy to eliminate lead toxicity as a major mortality factor, including discussions of the issues for and against lead/steel shot, appears in the SEIS and the preamble to the proposed rule on the criteria and schedule for implementing nontoxic shot zones for 1987-88 and subsequent years published in the **Federal Register** on June 27, 1986 (51 FR 23444). The final rule for that proposed rule was published in the **Federal Register** on November 21, 1986 (51 FR 42103). Information on the justification for selecting this strategy has also been set out in the Final SEIS (Alternative VII_3), the June 27, 1986, proposed rule and in the Record of Decision confirming the preferred alternative and published in the **Federal Register** on August 20, 1986 (51 FR 29673). Additional information relating to the imposition of nontoxic shot zones nationwide, according to the 5-year schedule, is contained in the final rules for the 1987-88, 1988-89 and 1989-90 waterfowl hunting seasons published in the **Federal Register** on Tuesday, July 21, 1987 (52 FR 27352), Tuesday, June 28, 1988 (53 FR 24284) and Thursday, April 13, 1989 (54 FR 14814), respectively.

Counties scheduled to convert in their entireties to nontoxic shot in the 1990-91 waterfowl season are those counties having had an average annual waterfowl harvest of 5 or more per square mile over the 10-year period 1971-80. As scheduled, approximately 85-90 percent of the waterfowl harvest nationwide will occur in nontoxic shot zones in the 1990-91 waterfowl hunting season. However, the conversion of many entire States ahead of the schedule is estimated to increase to over 90 percent the percentage of the total waterfowl harvest occurring in nontoxic shot zones in the upcoming waterfowl hunting season.

In summary, this rule proposes to amend section 20.108 of 50 CFR to expand existing nontoxic shot zones for the 1990-91 waterfowl hunting season.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations and/or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be no local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The Service believes, however, that adequate notice has been provided and that sufficient supplies of nontoxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic effect on a substantial number of small entities.

Paperwork Reduction Act

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), a Final Environmental Statement (FES) on the use of steel shot for hunting waterfowl in the United States was published in 1976. As stated above, a supplement to the FES was

completed in June 1986. In this supplement, pursuant to the Endangered Species Act, a "section 7" consultation was done on the potential impacts of the provisions of this rule on bald eagles. The "section 7" opinion concluded that implementation of the preferred alternative would not be likely to jeopardize the continued existence of the bald eagle. Also, a "section 7" opinion has concluded that the action being carried out is not likely to jeopardize the continued existence of the Aleutian Canada goose.

TABLE 1.—COUNTIES PROPOSED TO BE ADDED IN 1990–91 TO THE EXISTING ZONES WHERE THE HUNTING OF WATERFOWL, COOT AND CERTAIN OTHER SPECIES IS LIMITED TO THE USE OF NONTOXIC SHOT. (1)

State and County
ALABAMA
Baldwin
Mobile
Morgan
ARKANSAS
All lands and waters of all counties of the State.
CALIFORNIA
Amador
Humboldt
Kern
Riverside
San Mateo
Ventura
COLORADO
Adams
Alamosa
Larimer
Logan
Rio Grande
Sedgwick
Washington
DELAWARE
All lands and waters of all counties of the State.
FLORIDA
Escambia
Hamilton
Indian River
Jefferson
Okeechobee
Palm Beach
Seminole
GEORGIA
Clay
Coweta
Elbert
Jackson
Lincoln
Long
Quitman
IDAHO
Ada
Benewah

TABLE 1.—COUNTIES PROPOSED TO BE ADDED IN 1990–91 TO THE EXISTING ZONES WHERE THE HUNTING OF WATERFOWL, COOT AND CERTAIN OTHER SPECIES IS LIMITED TO THE USE OF NONTOXIC SHOT. (1)—Continued

State and County
Bingham
Franklin
Fremont
Gem
Jerome
Madison
Minidoka
Oneida
Power
Twin Falls
ILLINOIS
Bureau
Christian
Coles
Cook
Du Page
Greene
Grundy
Hancock
Jo Daviess
Kendall
Madison
Mercer
Monroe
Moultrie
Perry
Randolph
St. Clair
Tazewell
Whiteside
Will
Winnebago
KANSAS
All lands and waters of all counties of the State.
KENTUCKY
Bracken
Henderson
Oldham
LOUISIANA
Ascension
Claiborne
De Soto
Iberville
LaFayette
Richland
Tangipahoa
Vernon
MARYLAND
Caroline
NEVADA
Churchill
Douglas
Lincoln
NEW JERSEY
Bergen
Camden
Hunterdon
Morris
Passaic
Somerset

TABLE 1.—COUNTIES PROPOSED TO BE ADDED IN 1990–91 TO THE EXISTING ZONES WHERE THE HUNTING OF WATERFOWL, COOT AND CERTAIN OTHER SPECIES IS LIMITED TO THE USE OF NONTOXIC SHOT. (1)—Continued

State and County
Sussex
NORTH CAROLINA
Bertie
Carteret
Chowan
Craven
Dare
Hyde
Pasquotank
Robeson
OHIO
Ashtabula
Auglaize
Delaware
Geauga
Huron
Mahoning
Mercer
Pickaway
Wayne
OKLAHOMA
Bryan
Cleveland
Haskell
Jackson
Lincoln
Love
Mayes
Noble
Oklahoma
Payne
Rogers
Washington
OREGON
Coos
Lincoln
TENNESSEE
Carroll
Coffee
Gibson
Hamblen
Haywood
Henry
Perry
Rhea
Roane
Weakley
Wilson
TEXAS
Austin
Bosque
Burleson
Cameron
Castro
Collin
Deaf Smith
Denton
Eastland
Erath
Henderson

TABLE 1.—COUNTIES PROPOSED TO BE ADDED IN 1990–91 TO THE EXISTING ZONES WHERE THE HUNTING OF WATERFOWL, COOT AND CERTAIN OTHER SPECIES IS LIMITED TO THE USE OF NONTOXIC SHOT. (1)—Continued

State and County
Hood
Hunt
Kelberg
Moore
Red River
Refugio
Robertson
Rockwall
San Patricio
Shelby
Smith
Titus
Walker
Washington
Wise
Wood
VERMONT
Addison
Chittenden
VIRGINIA
Chesterfield
Essex
Henrico
King George
Lancaster
Louisa
Montgomery
Northampton
Powhatan
Richmond
Surry
WASHINGTON
Adams
Benton
Grays Harbor
King
Lewis
Lincoln
Pierce
Spokane
Yakima
WYOMING
Sweetwater

(1) Counties listed are taken from the Final Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States, Appendix N. Counties listed are those that have 5 or more waterfowl harvested per square mile, as referenced by Carney et al. 1983 (Distribution of waterfowl species harvested in states and counties during 1971–80 hunting seasons. U.S. Fish and Wildlife Service, Spec. Sci. Rpt.-Wildl. No. 254, Washington, DC). "Certain other sepcies" refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bag limits and concurrent seasons. Differences between this Table and the Appendix N schedule reflect changes initiated by the States to accelerate county nontoxic shot conversions.

Authorship

The primary author of this final rule is Keith A. Morehouse, Office of Migratory Bird Management, working under the direction of Thomas Dwyer, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, part 20, subchapter B, chapter I of title 50 of the Code of Federal Regulations is proposed to be amended as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 would continue to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 701–708h); sec. 3(h), Pub L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

2. Section 20.108 would be revised to read as follows:

§ 20.108 Nontoxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as nontoxic shot zones for hunting waterfowl, coots and certain other species.

Atlantic Flyway

Connecticut

All lands and waters within the State of Connecticut have been designated for nontoxic shot use.

Delaware

All lands and waters within the State of Delaware have been designated for nontoxic shot use.

Florida

1. Brevard, Broward, Citrus, Collier, Dade, Escambia, Hamilton, Indian River, Jefferson, Leon, Okeechobee, Osceola, Palm Beach, Polk, Seminole, St. Johns and Volusia Counties.

2. Those portions of Gadsden and Liberty Counties, adjacent to Leon County, that include the floodplains of Lake Talquin and the Ochlockonee River.

3. Orange Lake and Lochloosa Lake in Alachua County.

4. The area lying lakeward of and bounded by the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersection with the Lake Okeechobee levee at points near Lakeport and the Old Sportsman's Village site.

5. That portion of Glades County outside of the area described in No. 4 above.

6. That area formerly known as the M–K Ranch public waterfowl area in Gulf County.

7. Hickory Mound Impoundment within the Aucilla Wildlife Management Area in Taylor County.

8. That portion of Lake George lying in Putnam County.

9. That portion of the St. Johns River floodplain lying in Lake and Orange Counties.

10. That portion of Lake Rousseau lying in Levy and Marion Counties.

11. Chassahowitzka Wildlife Management Area in Hernando County, and the State waters of the Gulf of Mexico in Hernando County north of Raccoon Point designated by posted signs.

12. Chassahowitzka National Wildlife Refuge in Hernando County and Lower Suwannee National Wildlife Refuge in Dixie and Levy Counties.

Georgia

1. Clay, Coweta, Dougherty, Elbert, Jackson, Lincoln, Long, McIntosh and Quitman Counties.

2. The managed waterfowl impoundments on Oconee and West Point Wildlife Management Areas and Lake Juliette on Rum Creek Wildlife Management Area. These Wildlife management Areas are in Putnam; Heard and Troop; and Monroe Counties, respectively.

3. Eufala National Wildlife Refuge in Stewart County and Savannah National Wildlife Refuge in Chatham and Effingham Counties.

Maine

All lands and waters within the State of Maine have been designated for nontoxic shot use.

Maryland

1. Ann Arundel, Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Annes, Somerset, St. Marys, Talbot, Wicomico and Worcester Counties.

Massachusetts

All lands and waters within the State of Massachusetts have been designated for nontoxic shot use.

New Hampshire

All lands and water within the State of New Hampshire have been designated for nontoxic shot use.

New Jersey

1. Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset and Sussex Counties, and any adjacent State-owned tidal waters.

New York

All lands and waters within the State of New York have been designated for nontoxic shot use.

North Carolina

1. Beaufort, Bertie, Carteret, Chowan, Craven, Currituck, Dare, Hyde, New Hanover, Pamlico, Pasquotank, Robeson and Washington Counties.

2. New Hope Game Land, Butner-Falls of Neuse Game Land and posted waterfowl impoundments on other game lands.

Pennsylvania

All lands and waters within the State of Pennsylvania have been designated for nontoxic shot use.

Rhode Island

All lands and waters within the State of Rhode Island have been designated for nontoxic shot use.

South Carolina

All lands and waters within the State of South Carolina have been designated for nontoxic shot use.

Vermont

1. Addison, Chittenden, Franklin and Grand Isle Counties.
2. Missisquoi National Wildlife Refuge.

Virginia

1. Counties of Accomack, Charles City, Chesterfield, Essex, Gloucester, Henrico, James City, King George, King William, Lancaster, Louisa, Mathews, Middlesex, Montgomery, New Kent, Northampton, Northumberland, Powhatan, Richmond, Surry, Westmoreland and York.
2. Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamburg.

Mississippi Flyway

Alabama

1. Baldwin, Jackson, Limestone, Madison, Mobile and Morgan Counties.
2. Eufaula National Wildlife Refuge.

Arkansas

All lands and waters within the State of Arkansas have been designated for nontoxic shot use.

Illinois

1. Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated as follows:

A. All of Alexander, Calhoun, Carrol, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Mercer, Monroe, Pike, Randolph, Rock Island, St. Clair, Union and Whiteside Counties.

B. Adams County; IL–96 (Lima), County Hwy–41, County Hwy–7, County Hwy–8 and Lock & Dam 20. The Mark Twain NWR, Bear Creek Unit, is also a nontoxic shot zone.

C. Henry County; I–80 and I–74/280.

2. Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated as follows:

A. All of Bureau, Calhoun, Cass, Fulton, Greene, Grundy, Jersey, Marshall, Mason, Peoria, Pike, Putnam, Tazewell and Woodford Counties.

B. Brown County; County Hwy–3/FAS–582, FAS–582, County Hwy–12 and IL–99.

C. Morgan County; IL–104 (Meredosia) and IL–100/US–67.

D. Schuyler County; IL–100 (Bluff City), IL–103 and County Hwy–9.

3. Southern Goose Quota Zone: All of Alexander, Jackson, Union and Williamson Counties.

4. Rend Lake Goose Quota Zone: All of Franklin and Jefferson Counties.

5. Other Areas: All of Bond, Christian, Clinton, Coles, Cook, DuPage, Fayette, Kane, Kendall, Lake, McHenry, Moultrie, Perry, Will and Winnebago Counties.

Indiana

All lands and waters within the State of Indiana have been designated for nontoxic shot use.

Iowa

All lands and waters within the State of Iowa have been designated for nontoxic shot use.

Kentucky

1. Bracken and Oldham Counties.
2. Western Zone. That area of western Kentucky west of an eastern boundary described by the lines and/or roads as follows: The Purchase Parkway from Fulton, Kentucky, on the Kentucky-Tennessee border northeast to the Interstate 24-Purchase Parkway junction; northeast on I–24 to the Lyon county line; then on a line including all of Lyon, Caldwell and Hopkins Counties to Fredonia; north from Fredonia on US 641 to US 60 at Marion; north on US 60 to the Union County line; northeast and north along the Union County and Henderson County lines to the Indiana-Kentucky border north of Newman, Kentucky.

Louisiana

1. Acadia, Ascension, Assumption, Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Caliborne, Concordia, De Soto, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, LaFayette, LaFourche, LaSalle, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Union, Vermilion and Vernon Parishes.

Michigan

All lands and waters within the State of Michigan have been designated for nontoxic shot use.

Minnesota

All lands and waters within the State of Minnesota have been designated for nontoxic shot use.

Mississippi

All lands and waters within the State of Mississippi have been designated for nontoxic shot use.

Missouri

All lands and waters within the State of Missouri have been designated for nontoxic shot use.

Ohio

1. Ashtabula, Auglaize, Cuyahoga, Delaware, Erie, Geauga, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Mercer, Ottawa, Pickaway, Sandusky, Summit, Trumbull, Wayne and Wood Counties.

Tennessee

1. Benton, Carroll, Coffee, Crockett, Dyer, Franklin, Gibson, Hamblem, Haywood, Henry, Jefferson, Lake, Lauderdale, Meigs, Obion, Perry, Rhea, Roane, Shelby, Stewart, Tipton, Weakley and Wilson Counties.

Wisconsin

All lands and waters within the State of Wisconsin have been designated for nontoxic shot use.

Central Flyway

Colorado

1. Adams, Alamosa, Boulder, Conejos, Costilla, Larimer, Logan, Morgan, Rio Grande, Sedgwick, Weld and Washington Counties.
2. Hinsdale, Mineral and Saguache Counties east of the Continental Divide.
3. Turk's Pond portion of Baca County.

Kansas

All lands and waters within the State of Kansas have been designated for nontoxic shot use.

Montana

All land and waters within the State of Montana have been designated for nontoxic shot use.

Nebraska

All land and waters within the State of Nebraska have been designated for nontoxic shot use.

New Mexico

All land and waters within the State of New Mexico have been designated for nontoxic shot use.

North Dakota

All land and waters within the State of North Dakota have been designated for nontoxic shot use.

Oklahoma

1. Bryan, Cleveland, Comanche, Jackson, Johnston, Lincoln, Love, Marshall, Mayes, Nowata, Oklahoma, Payne, Rogers and Washington Counties.

Caddo County. That portion of Ellsworth Lake and adjoining City of Lawton property.

3. That area described within the boundary as follows: South on US 77 from the Kansas border to US 177; US 177 south to State Highway 15; State Highway 15 east to State Highway 18; State Highway 18 south to US 64; US 64 east to State Highway 99; State Highway 99 south to State Highway 51; State Highway 51 east to State Highway 97; State Highway 97 north to its junction with unnamed county roadway; northwestward on the county roadway to its junction with State Highway 20; State Highway 20 west to State Highway 18; and State Highway 18 north to the Kansas border. That portion of Noble County outside of the area described above is designated for nontoxic shot use also.

4. Those portions of Cherokee, Haskell, Latimer, Le Flore, McIntosh, Muskogee, Okmulgee, Pittsburg and Wagoner Counties described within the boundary as follows: Interstate 40 from the Arkansas border west to State Highway 82; State Highway 82 north to State Highway 100; State Highway 100 west to State Highway 10A; State Highway 10A west to State Highway 10; State Highway 10 north to State Highway 80; State Highway 80 north to State Highway 251A;

State Highway 251A southwest to Muskogee Turnpike; Muskogee Turnpike south to Interstate 40; Interstate 40 west to US Highway 69; US Highway 69 north to US Highway 266; US Highway 266 west to US Highway 62; US Highway 62 south to Indian Nation Turnpike; Indian Nation Turnpike south to US Highway 270; US Highway 270 east to State Highway 2; State Highway 2 north to State Highway 31; State Highway 31 west to State Highway 71; State Highway 71 north to State Highway 9; State Highway 9 to State Highway 9A; and State Highway 9A north and east to the Arkansas border. Those portions of Haskell, McIntosh, Muskogee, Sequoyah and Wagoner Counties outside of the area described above are designated for nontoxic shot use also.

5. All state waterfowl/wetland areas, including:

A. Copan in Osage County
B. Hajek Marsh in Kingfisher County
C. Hugo in Choctaw County
D. Hulah in Osage County
E. Mt. Park in Kiowa County
F. Okmulgee in Okmulgee County
G. Waurika in Jefferson/Stephens County
H. Wister in Le Flore County

6. Fort Cobb Lake and all adjoining Federal lands in Caddo County.

7. Salt Plains and Washita National Wildlife Refuges, in Alfalfa County and Custer County, respectively.

South Dakota

All land and waters within the State of South Dakota have been designated for nontoxic shot use.

Texas

1. Baylor, Bosque, Brazos, Burleson, Castro, Collin, Comanche, Deaf Smith, Denton, Eastland, Erath, Hood, Hopkins, Hunt, Moore, Red River, Robertson, Rockwall, Shelby, Smith, Titus, Trinity, Walker, Washington, Wise and Wood Counties.

2. That area lying within boundaries beginning at the Louisiana State line, thence westward along IH 10 to the junction of US Highway 90 and IH 10 in Beaumont, thence westward along US 90 to its junction with IH 610 in Houston, thence north and west along IH 610 to its junction with US Highway 290 in Houston, thence westward along US Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with Farm-to-Market (FM) 2429, thence southward along FM 2429 to its junction with FM 949, thence southwestward along FM 949 to its junction with IH 10, thence westward along IH 10 to its junction with US Highway 77 at Schulenburg, thence southward along US Highway 77 to its junction with the US-Mexico international boundary at Brownsville, thence eastward along the US-Mexico international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana State line, thence northward along the Texas-Louisiana State line to its junction with IH 10. Those portions of Austin, Cameron, Colorado, Harris, Jefferson, Kleberg, Liberty, Neuces, Refugio, San Patricio, Waller and Willacy Counties outside of the area described above are designated for nontoxic shot use also.

3. The portions of Cooke, Fannin and Grayson Counties lying within boundaries beginning at the Oklahoma State line, thence southward along I–35 to its junction with US Highway 82 at Gainesville, thence eastward along US Highway 82 to its junction with US Highway 78 at Bonham, thence northward along State Highway 78 to its junction with the Oklahoma State line, thence westward along the Oklahoma-Texas State line to its junction with I–35. That portion of Grayson County lying outside of the area described above is designated for nontoxic shot use also.

4. The portions of Cass, Harrison, Marion, Morris and Upshur Counties lying within boundaries beginning at the Louisiana State line, thence westward along State Highway 49 to its junction with US Highway 259 at Daingerfield, thence southward along US Highway 259 to its junction with State Highway 450 at Ore City, thence eastward on State Highway 450 to its junction with State Highway 154 at Harleton, thence southeastward along State Highway 154 to its junction with US Highway 80 at Marshall, thence eastward along US Highway 80 to its junction with State Highway 43, thence northeastward along State Highway 43 to its junction with FM 2682 at Karnack, thence eastward along FM 2682 to its junction with FM 134, thence southward along FM 134 to its junction with FM 1999 at Leigh, thence eastward along FM 1999 to its junction with the Louisiana State line, thence northward along the Louisiana-Texas border to its junction with State Highway 49. That portion of Marion County outside of the area described above is designated for nontoxic shot use also.

5. The portions of Anderson, Henderson and Kaufman Counties lying within boundaries beginning at the junction of State Highway 31 and FM 2661, thence westwardly along State Highway 31 to its junction with US Highway 175 at Athens, thence northwestward along US Highway 175 to its junction with FM 90, thence northward along FM 90 to its junction with FM 1391, thence westward along FM 1391 to its junction with US Highway 175 at Kemp, thence southward along US Highway 175 to its junction with State Highway 274, thence south along State Highway 274 to its junction with State Highway 31 at Trinidad, thence eastward along State Highway 31 to its junction with FM 3441 at Malakoff, thence southward along FM 3441 to its junction with FM 59 at Cross Roads, thence southward along FM 59 to its junction with US Highway 287 at Cayuga, thence southeastward along US Highway 287 to its junction with FM 860, thence northward along FM 860 to its junction with FM 837, thence northeastward along FM 837 to its junction with US Highway 175 at Frankston, then eastward along US Highway 175 to its junction with FM 855, thence northward along FM 855 to its junction with FM 346, thence northward along FM 346 to its junction with FM 344, thence northward along FM 344 to its junction with FM 2661, thence northward along FM 2661 to its junction with State Highway 31. That portion of Henderson County lying outside of the area described above is designated for nontoxic shot use also.

Wyoming

1. Sweetwater County.

2. Big Horn County: Along and within one mile either side of the waterline of the Big Horn River, Yellowtail Reservoir, Shoshone River, Nowood River and portions of Medicine Lodge Creek and Paintrock Creek where they flow into the Nowood River, beginning from their confluence to where they flow from the mountains.

3. Goshen County:

A. North Platte River/Laramie River—Beginning where US 25 crosses the Wyoming-Nebraska State line; south along said State line to Goshen County Road No. 7–108; west along said road to Wyoming Highway 92, west, then north along said highway to US 85; north along said highway to Wyoming Highway 156; west and north along said highway to Goshen County Road No. 7–62; west along said road to the Fort Laramie Canal Road; northwest along said road to Goshen County Road No. 7–48; southwest along said road to the Goshen-Platte County line; north along said line to US 26; and southeast along said highway to the point of beginning.

B. Table Mountain—Beginning where Wyoming Highway 92 intersects Wyoming Highway 158; south along said highway to Goshen County Road No. 7–171; west along said road to the Fort Laramie Canal Road; northwesterly along said road to Goshen County Road No. 7–160; east along said road to Goshen County Road No. 7–166; north along said road to Goshen County Road No. 7–114; each along said road to Wyoming Highway 92; and east along said highway to the point of beginning.

Pacific Flyway

Arizona

1. Game Mangement Unit 5B, Upper Lake Mary, Lower Lake Mary and Mormon Lake.

2. Hopi Indian Reservation lands in Coconino and Navajo Counties.

3. Navajo Indian Reservation lands in Apache, Coconino and Navajo Counties.

4. Cibola National Wildlife Refuge.

California

1. Alameda, Amador, Butte, Colusa, Contra Costa, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Marin, Merced, Napa, Riverside, Sacramento, San Joaquin, San Mateo, Santa Clara, Solano, Stanislaus, Sutter, Ventura, Yolo and Yuba Counties.

2. Northeastern Zone. Those portions of Lassen, Plumas, Shasta, Sierra, Siskiyou and Tehama Counties, and all of Modoc County, bounded by the following line: Beginning at I–5 at the Oregon border, south on I–5 to State Highway 89, and southeast on State Highway 89 to State Highway 70, and east on State Highway 70 to US 395, and south on US 395 to the Nevada border.

3. Siskiyou County south of State Highway 89 and west of I–5.

Colorado

1. Montrose County.

Idaho

1. Panhandle Zone. All of Benewah, Bonner, Boundary and Kootenai Counties.

2. Southwestern Zone. All of Ada, Canyon, Gem and Payette Counties. That part of Elmore County lying south and west of I–84, and that part of Owyhee County lying north and east of a line running from the Idaho-Oregon border along State Highway 19, then east on State Highway 19 to US 95 near Homedale, then south and east on US 95 to State Highway 55 west of Marsing, then east on State Highway 55 to State Highway 78 at Marsing, then southeast on State Highway 78 to I–84 Business Highway at Hammett, then east on I–84 Business Highway to I–84 at Cold Springs Creek.

3. Southcentral Zone. All of Gooding, Jerome, Minidoka and Twin Falls Counties.

4. Southeastern Zone.

A. The lands within the Fort Hall Indian Reservation boundary in Caribou County;

B. All of Bannock, Bingham, Franklin, Fremont, Jefferson, Madison, Oneida and Power Counties;

C. That part of Bonneville County west of a line running northeast on US 91 to its junction with State Highway 26 approximately five miles northeast of Shelly, then northeast on US 26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), the northwest on then Heise-Archer-Lyman Road to US 191/20, then north on US 191/20 to the US 191/20–Jefferson County line; and

D. That part of Cassia County within a line running from the Blaine County-Cassia County junction west on the Cassia County line to the Snake River-Raft River confluence, then upstream on the Raft River to I–86, then northeast on I–86 to the Power County line.

Montana

All lands and waters within the State of Montana have been designated for nontoxic shot use.

Nevada

1. Churchill, Douglas and Lincoln Counties.

2. Humboldt Wildlife Management Area in Pershing County.

3. Mason Valley Wildlife Management Area in Lyon County.

4. Overton Wildlife Management Area in Clark County.

5. Ruby Lake National Wildlife Refuge in White Pine and Elko Counties.

New Mexico

All lands and waters within the State of New Mexico have been designated for nontoxic shot use.

Oregon

1. Benton, Clatsop, Coos, Columbia, Lincoln, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties.

2. Southcentral Zone—All of Klamath County, excluding Davis Lake, and that portion of Lake County lying west of Highway 395.

3. Malheur County Zone—That portion of Malheur County bounded by a line beginning at I–84 at the Oregon-Idaho State line, northwest on I–84 to State Highway 201, south on State Highway 201 to State Highway 19, east on State Highway 19 to the Oregon-Idaho State line and back to the point of origin.

4. Columbia Basin Zone—Those portions of Gilliam, Morrow and Umatilla Counties bounded by the following line: Beginning at the town of Arlington on I–84, east on I–84 to US 730, northeast on US 730 to the Oregon-Washington State border, and west along the Columbia River, Oregon-Washington border to point of origin.

Utah

1. Box Elder, Cache, Davis, Salt Lake, Utah and Weber Counties.

2. Navajo Indian Reservation lands in San Juan County.

Washington

1. Western Washington Zone—All areas west of the Pacific Coast National Scenic Trail and west of (and including) the Big White Salmon River in Klickitat County.

2. Columbia Basin Zone—

A. Those portions of Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Okanogan and Yakima Counties bounded by the following line: Beginning at the Washington-Oregon State border on the Celilo 1 ridge on US 97, north on US 97 to State Highway 14, east on State Highway 14 to US 395/I–82, north on US 395/I–82 (formerly a continuation of State Highway 14) to Kennewick, west on State Highway 240, north on State Highway 240 to State Highway 24, west on State Highway 24 to US 97, north on US 97 to State Highway 155 at Omak, east and south on State Highway 155 to State Highway 174 at Grand Coulee, southeast on State Highway 174 to US 2, west on US 2 to State Highway 17, south on State Highway 17 to US 395, south on US 395 to US 12, south on US 12 and US 730 to the Oregon border (including the entire McNary National Wildlife Refuge), and west along the Columbia River and the Washington-Oregon border to the point of origin.

B. The portions of Adams, Benton, Franklin, Grant, Lincoln (including the Columbia and Spokane Rivers) and Yakima Counties, not including in the description (A.) above; and all of Spokane and Walla Walla Counties, including the Spokane River and Snake River, respectively.

Dated: March 20, 1990.

Constance B. Harriman,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 90–9299 Filed 4–20–90; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 55, No. 78
Monday, April 23, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Intent To Grant an Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Patent Application Serial No. 07/431,348, "Hybridomas and Monoclonal Antibodies Therefrom Reactive Toward Antigens from *Edwardsiella ictaluri*," filed November 3, 1989, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Athens Research and Technology, Inc., 1180 East Broad Street, Athens, Georgia 30604.

DATES: Comments must be received on or before June 22, 1990.

ADDRESSES: Send comments to: USDA–ARS–Office of Cooperative Interactions, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005, Room 401, BARC–W, Beltsville, Maryland 20705.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Cooperative Interactions at the Beltsville address given above; telephone: 301/344–2786, (FTS) 344–2786.

SUPPLEMENTARY INFORMATION: The patent rights in this invention have been assigned to the United States of America as represented by the Secretary of Agriculture. It is in the public interest to so license said invention bringing it to practical application and public use within a specified period of time. The applicant has submitted a complete and sufficient application for a license, committing itself to do so.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, ARS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

William H. Tallent,
Assistant Administrator.

[FR Doc. 90–9301 Filed 4–20–90; 8:45 am]
BILLING CODE 3410–03–M

Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Patent Application Serial No. 07/385,752, "Hybridomas and Monoclonal Antibodies Therefrom Having Specific Reactivity Toward Heavy Chain Immunoglobulin From Catfish," filed July 27, 1989, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Athens Research and Technology, Inc., 1180 East Broad Street, Athens, Georgia 30604.

DATES: Comments must be received on or before June 22, 1990.

ADDRESSES: Send comments to: USDA–ARS–Office of Cooperative Interactions, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005, Room 401, BARC–W, Beltsville, Maryland 20705.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Cooperative Interactions at the Beltsville address given above; telephone: 301/344–2786, (FTS) 344–2786.

SUPPLEMENTARY INFORMATION: The patent rights in this invention have been assigned to the United States of America as represented by the Secretary of Agriculture. It is in the public interest to so license said invention bringing it to practical application and public use within a specified period of time. The applicant has submitted a complete and sufficient application for a license, committing itself to do so.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, ARS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

William H. Tallent,
Assistant Administrator.

[FR Doc. 90–9300 Filed 4–20–90; 8:45 am]
BILLING CODE 3410–03–M

Animal and Plant Health Inspection Service

[Docket No. 90–033]

U.S. Veterinary Biological Product and Establishment Licenses Issued, Suspended, Revoked, or Terminated

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise the public of the issuance of veterinary biological product and establishment licenses by the Animal and Plant Health Inspection Service during the month of December 1989. These actions are taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act.

FOR FURTHER INFORMATION CONTACT: Joan Montgomery, Program Assistant, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8674.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 102, "Licenses For Biological Products," require that every person who prepares certain biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

Pursuant to these regulations, the Animal and Plant Health Inspection Service (APHIS) issued the following

U.S. Veterinary Biological Product Licenses during the month of December 1989:

Product license code	Date issued	Product	Establishment	Establishment license No.
1015.00	12-04-89	Autogenous Vaccine	Central Biologics, Inc.	334
1381.20	12-04-89	Canine Distemper-Hepatitis-Parainfluenza Vaccine, Modified Live Virus.	Rhone Merieux, Inc	298
15A1.20	12-06-89	Feline Infectious Peritonitis Vaccine, Modified Live Virus.	SmithKline Beckman Corp.	189
1871.04	12-14-89	Pasteurella Multocida Vaccine, Avirulent Live Culture, Avian Isolates.	Keevet Laboratories	280
18P5.20	12-28-89	Parvovirus Vaccine, Killed Virus	Rhone Merieux, Inc	298
2051.00	12-04-89	Autogenous Bacterin	Brinton Laboratories, Inc	343
2051.00	12-22-89	Autogenous Bacterin	Kadel Vaccine Company	323
2051.00	12-28-89	Autogenous Bacterin	Immuno-Dynamics, Inc	379
2051.00	12-28-89	Autogenous Bacterin	Jensen Research Laboratories	383
2051.00	12-29-89	Autogenous Bacterin	American Animal Health, Inc	315
2100.01	12-28-89	Bordetella Bronchiseptica Bacterin	Rhone Merieux, Inc	298
2641.00	12-14-89	Erysipelothrix Rhusiopathiae Bacterin	Rhone Merieux, Inc	298
2648.55	12-14-89	Escherichia Coli Bacterin	Rhone Merieux, Inc	298
2671.01	12-04-89	Leptospira Canicola-Icterohaemo-rrhagiae Bacterin.	Rhone Merieux, Inc	298
47P9.21	12-28-89	Canine Distemper-Hapatitis-Parainfluenza-Parvovirus Vaccine—Leptospira Bacterin, Modified Live Virus.	Rhone Merieux, Inc	298
4809.20	12-04-89	Canine Distemper-Hapatitis-Parainfluenza Vaccine—Leptospira Bacterin, Modified Live Virus.	Rhone Merieux, Inc	298
4960.00	12-28-89	Parvovirus Vaccine—Leptospira Bacterin, Modified Live Virus.	Rhone Merieux, Inc	298
4BA9.20	12-06-89	Parvovirus Pseudorabies Vaccine—Erysipelothrix Rhusiopathiae Leptospira Bratislaval-Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin Modified Live and Killed Virus.	SmithKline Beckman Corp	189
4BC5.20	12-06-89	Parvovirus Vaccine—Erysipelothrix Rhusiopathiae Leptospira Bratislaval-Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin Killed Virus.	SmithKline Beckman Corp	189
8601.00	12-06-89	Tetanus Toxoid	SmithKline Beckman Corp	189

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 150 *et seq.*) shall hold a U.S. veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

Pursuant to these regulations, APHIS issued the following U.S. Veterinary Biological Establishment Licenses during the month of December 1989:

Establishment	Establishment license No.	Date issued
Brinton Laboratories, Ind	343	12-04-89
Kadel Vaccine Company	323	12-22-89
Immuno-Dynamics, Inc	379	12-28-89
Jensen Research Laboratories	383	12-28-89
American Animal Health, Inc	315	12-29-89

No licenses were suspended, revoked, or terminated during December 1989.

Done in Washington, DC., this 17th day of April 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-9287 Filed 4-20-90; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Newspapers Used for Publication of Legal Notice of Appealable Decisions for Pacific Northwest Region, Oregon and Washington

AGENCY: Forest Service, USDA.

ACTION: Correction notice.

SUMMARY: This is a correction to the notice which appeared in the March 14, 1990, **Federal Register** (55 FR 9476-9478). The notice stated that one of the newspapers providing additional notice of Willamette National Forest Supervisor and District Rangers decisions was the Salem Stateman Hearald in Salem, Oregon. The title of this newspaper should have been the Statesman-Journal.

FOR FURTHER INFORMATION CONTACT: Elton Thomas, Regional Appeals Coordinator, Pacific Northwest Region, P.O. Box 3623, Portland, OR 97208-3623, phone (503) 326-2322.

Dated: April 16, 1990.

Richard A Ferraro,

Deputy Regional Forester.

[FR Doc. 90-9280 Filed 4-20-90; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Regional Water Quality Demonstration RC&D Measure, Moore County, NC

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Regional Water Quality Demonstration

Composting Dead Chickens, RC&D Measure; Moore County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Bobbye J. Jones, State Conservationist, Soil Conservation Service, 4405 Bland Road, suite 205, Raleigh, NC 27609, Phone (919) 790–2888.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Bobbye J. Jones, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project. The measure concerns a plan for demonstrating the environmental and economic value of composting dead chickens lost on poultry farms to normal and seasonal mortality. It will demonstrate that these chickens can be readily recycled and used as an environmentally safe and economic source of nutrients for plants. A small building will be constructed containing approximately five composting bins made or pressure treated lumber and a small area approximately 8′×40′ for secondary composting. This project has been approved and permitted by the North Carolina Department of Agriculture's State Veterinarian.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Bobbye J. Jones.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901)—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: April 10, 1990.

Bobbye J. Jones,

State Conservationist.

[FR Doc. 90–9279 Filed 4–20–90; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Pennsylvania Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting and forum of the Pennsylvania Advisory Committee to the Commission will be convened at 1 p.m. on Wednesday, May 16, 1990, in the Conference Room of the ILGWU Building, 35 South 4th Street, in Philadelphia. The main purpose of the meeting and forum is to discuss the status of the agency and to hear presentations regarding recent U.S. Supreme Court decisions. Representatives of the Delaware Advisory Committee to the Commission on Civil Rights will also take part in the forum.

Persons desiring additional information, or planning to make a presentation to the Committee, should contact the Committee's Chairperson, Dr. Susan M. Wachter (215/898–6355), or John I. Binkley, Director of the Eastern Regional Division, at (202/523–5264; TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, April 16, 1990.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 90–9291 Filed 4–20–90; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Business Development Center Applications; Little Rock, AR

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a three-year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $165,000 in Federal funds and a minimum of $29,118 in non-Federal contributions for the budget period August 1, 1990 to July 31, 1991. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Little Rock, Arkansas Standard Metropolitan Statistical Area (SMSA).

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-proft and for-profit organizations, local and state governments, American Indian tribes, and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms, offer a full range of management and technical assistance, and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDC's shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000

The MBDC may continue to operate after the initial competitive year for up to two additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as a MBDC's satisfactory performance, the availability of funds and Agency priorities.

CLOSING DATES: The closing date for applications is May 27, 1990. Applicants should mail the completed applications

to the office specified in the project announcement. MBDA will accept only those applications (1) which are received by the closing date *or* (2) which show acceptable evidence of mailing on or before the closing date. Acceptable evidence consists of (1) a legible U.S. Postal Service postmark or (2) a legible mail or courier service receipt dated on or before the closing date. Applications must be post marked on or before May 27, 1990.

ADDRESSES: Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, (214) 767–8001.

FOR FURTHER INFORMATION CONTACT: Yvonne Guevara, Dallas Regional Office.

SUPPLEMENTARY INFORMATION: Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address. A pre-bid conference will be held. Please call Ms. Guevara to be advised of date, time and place.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

Melda Cabrera,

Regional Director, Dallas Regional Office, Regional Office.

Section B—Project Specifications

(To be completed by the Regional Offices)

PROJECT IDENTIFICATION

1. Program Number and Title: 11.800 Minority Business Development.
2. Project Name: Little Rock MBDC (Geographic Area or SMSA).
3. Project Identification Number: 06–10–90005–01.

BUDGET PERIOD DURATION

1. Budget Period (Check One): First X Second ____ Third ____.
2. Start Date: August 1, 1990.
3. End Date: July 31, 1991.
4. Budget Period Duration (Months): Twelve.

PROJECT COST

1. Required Federal Funding Level: $165,000.
2. Minimum Non-Federal Contribution: $29,118.
3. Total Project Cost: $194,118.

PROJECT MINIMUM PERFORMANCE GOAL LEVELS

1. Combined Financial Package and Procurement Minimum Goal Level: $11,148,000.
2. Billable SM&TA Minimum Goal Level: $112,000.
3. Number of Clients Minimum Goal Level: 112.

OTHER PROJECT SPECIFICATIONS

1. Closing Date for Submission of this Application: May 27, 1990.
2. *Geographic Specification:* The Minority Business Development Center shall offer assistance in the geographic area of: Little Rock, Arkansas.
3. *Eligibility Criteria:* There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.
4. *Budget Period:* The competitive award period will be for approximately three (3) years consisting of three (3) separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of three (3) budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance and Agency priorities.

[FR Doc. 90–9281 Filed 4–20–90; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings and request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of public hearings and provide a comment period to solicit public input into proposed Amendments 2 and 3 to the Snapper-Grouper Fishery Management Plan (FMP).

DATES: See **"SUPPLEMENTARY INFORMATION"** for dates and locations of the hearings. All hearings will begin at 7 p.m. Written comments will be accepted until June 4, 1990.

ADDRESSES: All written comments should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, 803–571–4366.

SUPPLEMENTARY INFORMATION: Amendment 2 addresses jewfish (*Epinephelus itajara*) and proposes to (1) revise the optimum yield; (2) define overfishing; and (3) prohibit the harvest or possession of jewfish. Amendment 3, which addresses wreckfish (*Polyprion americanus*), proposes to (1) add wreckfish to the management unit; (2) require an annual permit to fish for/land/sell wreckfish; (3) collect data necessary for effective management; (4) establish a control date of March 28, 1990, after which there would be no guarantee of inclusion in a limited entry program, should one be developed; (5) establish a fishing year beginning April 1; and (6) establish a process whereby annual total allowable catch (TAC) would be specified, with the initial TAC between 2 and 8 million pounds.

The hearings are scheduled as follows:

1. May 7, 1990—Holiday Inn Beachside, 1111 N. Roosevelt Boulevard, Key West, Florida.
2. May 8, 1990—Sheraton at Brickell Point, 495 Brickell Avenue, Miami, Florida.
3. May 9, 1990—Holiday Inn Oceanfront, 1617 N. First Street, Jacksonville Beach, Florida.
4. May 10, 1990—Hyatt Regency, Two West Bay Street, Savannah, Georgia.
5. May 11, 1990—Holiday Inn, 1706 Lumina Avenue, Wrightsville Beach, North Carolina.
6. May 14, 1990—South Carolina Wildlife & Marine Resources Center, Fort Johnson Road, Charleston, South Carolina.

Dated: April 17, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90–9298 Filed 4–20–90; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council will hold a public meeting on May 1–2, 1990, of its committee to oversee final revisions to the draft Amendment #4 of the Pacific Coast Groundfish Fishery Management Plan. On May 1 the meeting will begin at 8 a.m., at the Alaska Fisheries Science Center, room 2079, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA. After the meeting, a final draft of the amendment package will be prepared for public review and adoption by the Pacific Council at its July 9–11, 1990, meeting.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2000 SW First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: April 17, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90–9268 Filed 4–20–90; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Prospective Grant of Exclusive Patent License

This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number 7–148,692 entitled, "A Synthetic Antigen Evoking Anti-HIV Response, "to Molecular Vaccines Inc., having a place of business in Gaithersburg, MD. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The invention is related generally to the field of vaccines and diagnostic or prognostic reagents for AIDS. More particularly, the present invention is related to a synthetic oligopeptide which elicits cytotoxicity by T cells against human immunodeficiency virus (HIV) antigens and proliferation of HIV-specific CTL's.

The availability of the invention for licensing was published in the **Federal Register**, Vol. 53, No. 79, p. 13433 (1988). A copy of the instant patent application may be purchased from the NTIS Sales Desk by telephoning 703/487–4650 or by writing to Order Department, NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Papan Devnani, Center for Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151. Properly filed competing applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license. This notice supersedes an earlier notice in the **Federal Register**, Vol. 53, No. 131, p. 25649 (July 8, 1988) which is withdrawn hereby.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, Center for Utilization of Federal Technology, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 90–9289 Filed 4–20–90; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment, Admendment and Cancellation of Import Limits and Sublimits, Amendment to a Restraint Period and Amendment of Visa Requirements for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the United States

April 17, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing, amending and cancelling certain limits and sublimits, amending a restraint period and amending visa requirements.

EFFECTIVE DATES: May 1, 1990 and June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535–9481. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

During negotiations between the Governments of the United States and the United Mexican States, agreement was reached, effected by a Memorandum of Understanding (MOU) dated February 9, 1990, to amend further the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 13, 1988, as amended. A formal exchange of diplomatic notes will follow.

Under the terms of the MOU, limits and sublimits are being amended and cancelled for certain cotton, wool and man-made fiber textile products and the restraint period for Categories 336/636 is being amended. In addition, a new limit is being established for Category 643 for the 1990 agreement period. Visa requirements are being amended for products in certain part and merged categories, produced or manufactured in Mexico and exported from Mexico on and after May 1, 1990.

With regard to Special Regime categories, the two governments agreed to cancel certain sublimits and establish separate limits for Normal Regime categories (products not qualifying for entry under the Special Regime Program).

For goods assembled in Mexico and re-exported from Mexico during the period July 1, 1990 through December 31, 1990, the U.S. Customs Service, begining June 1, 1990, will start signing the first section of form ITA–370P for shipments of U.S. formed and cut fabric in Categories 336/636 that are destined for Mexico and subject to the Special Regime. These products which are assembled in Mexico from parts cut in United States from fabric formed in the United States, are governed by Harmonized Tariff item number 9802.00.8010 and chapter 62 Statistical Note 3 of the Harmonized Tariff Schedule.

Interested parties should be aware that shipments of cut parts in Categories 336/636 must be accompanied by a form ITA–370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in Mexico in order to qualify for entry under the Special Regime.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 51446, published on December 15, 1989.

Requirements for participation in the Special Regime are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; and 54 FR 50425, published on December 6, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU dated February 9, 1990, but are designed to

assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 17, 1990.

Commissioner of Customs
Department of the Treasury
Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 11, 1989 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in the United Mexican States and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on May 1, 1990, you are directed to amend the current restraint period for Categories 336/636 to extend through June 30, 1990 at the following level:

Category	Amended Limit; [1] January 1, 1990—June 30, 1990
336/636	200,000 dozen

[1] The limit has not been adjusted to account for any imports exported after December 31, 1989.

Also, you are directed to cancel the limits and sublimits for Categories 201–C/669–C, 222, 223pt., 229–F, 229–O, 237, 239, 245, 349/649, 350, 359–O, 369–B, 369–D, 369–U, 369–O, 442, 447, 459, 621, 632, 645/646, 650, 659–H, 659–S, 659–O, 666 and 669–O.

Categories 239, 349/649, 369–U, 369–B, 634, 659–S, and 666 shall no longer be subject to the Special Regime when assembled in Mexico and exported from Mexico on or after May 1, 1990. Merchandise in the above categories may be entered with either a Special Regime or non-Special Regime visa number if exported from Mexico during the period May 1, 1990 through May 31, 1990. A non-Special Regime visa number will be required to enter these products into the United States if exported from Mexico on or after June 1, 1990. Other categories subject to the Special Regime will remain.

Further, you are directed to amend the December 11, 1989 directive to amend and establish limits for the following categories, produced or manufactured in Mexico and exported during 1990. Categories 334 and 634 are being merged. Category 634 will no longer be subject to the Special Regime. Charges already made to the categories shall be applied to the newly merged Categories 334/634. The coverage of Categories 359–C/659–C is being amended to include insulated coveralls.

Category	New and Amended Limits [1] (Jan. 1, 1990—Dec. 31, 1990)
218—220, 225—227, 313—326, 611—617 and 625—629, as a group	45,000,000 sq. m. equiv.
Sublevels within the Group	
218	939,472 sq. m.
219	14,000,000 sq. m.
313	25,000,000 sq. m.
317	12,500,000 sq. m.
326	939,472 sq. m.
Limits not in a Group	
300/301/607–Y [2]	7,000,000 kgs. of which not more than 3,800,000 kgs. shall be in Category 300.
334/634	150,000 dz.
335	135,000 dz.
338/339/638/639	1,400,000 dz.
342/642	300,000 dz.
347/348/647/648	4,500,000 dz.
351/651	350,000 dz.
352/652	2,800,000 dz.
359–C/659–C [3]	1,800,000 kgs.
435	12,000 dz.
443	115,000 nos.
604–0/607–0 [4]	2,200,000 kgs.
633	100,000 dz.
643	155,556 nos.
670	3,000,000 kgs.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

[2] Categories 300 and 301: all HTS numbers; Category 607–Y: only HTS numbers 5509.53.0030 and 5509.53.0060.

[3] Category 359–C: only HTS numbers 6103.42.2010, 6103.42.2025, 6103.49.3034, 6104.62.1010, 6104.62.1020, 6104.69.3010, 6114.20.0042, 6114.20.0048, 6114.20.0052, 6203.42.2005, 6203.42.2010, 6203.42.2090, 6204.62.2005, 6204.62.2010, 6211.32.0005, 6211.32.0010, 6211.32.0025, 6211.42.0005 and 6211.42.0010; and Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2015, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1010, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2005, 6203.43.2010, 6203.43.2090, 6203.49.1005, 6203.49.1010, 6203.49.1090, 6204.63.1505, 6204.63.1510, 6204.69.1005, 6204.69.1010, 6210.10.4015, 6211.33.0005, 6211.33.0010, 6211.33.0017, 6211.43.0005 and 6211.43.0010.

[4] Category 604–O: all HTS numbers except 5509.32.0000; and Category 607–O, all HTS numbers except 5509.53.0030 and 5509.53.0060.

Textile products in Category 643 which have been exported to the United States prior to January 1, 1990 shall not be subject to this directive.

Textile products in Category 643 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

For the import period January through March 1990, charge 101,943 kilograms for insulated coveralls to Special Regime Category 359–C and zero to Special Regime Category 659–C. There are no charges to be made to Category 643 for goods imported in January 1990. Additional charges to Categories 359–C/659–C and 643 will be provided as data become available.

Effective on May 1, 1990, the sublimits for Categories 342/642, 347/348/647/648, 351/651 and 352/652 are eliminated and separate limits are being established for products in these Special Regime categories which are not subject to the Special Regime. Charges already made to the sublimits shall be retained.

Normal regime category (not subject to the special regime)	
335 (sublimit)	35,000 dozen.
338/339/638/639 (sublimit).	650,000 dozen.
342/642	100,000 dozen.
347/348/647/648	650,000 dozen.
351/651	75,000 dozen.
352/652	1,600,000 dozen.
359–C/659–C (sublimit)	250,000 kilograms.
633 (sublimit)	10,000 dozen.

Beginning on June 1, 1990, U.S. Customs is directed to start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 336/636 that are destined for Mexico and re-exported to the United States during the period July 1, 1990 through December 31, 1990.

For visa purposes, effective on May 1, 1990, you are directed to amend further the directive of August 22, 1988, as amended, to include and eleminate the coverage of certain merged and part-categories. Following is a complete list of merged and part-categories currently included in the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 13, 1988, as amended, between the Governments of the United States and the United Mexican States.

300/301/607–Y [1]
334/634
336/636 (also under Special Regime)
338/339/638/639 (also under Special Regime)
340/640 (also under Special Regime)
341/641
341–Y/641–Y [2]
342/642 (also under Special Regime)
347/348/647/648 (also under Special Regime)
349/649
350/650
351/651 (also under Special Regime)
352/652 (also under Special Regime)
359–C/659–C [3] (also under Special Regime)

[1] Categories 300 and 301: all HTS numbers; Category 607–Y: only HTS numbers 5509.53.0030 and 5509.53.0060.

[2] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030; Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

[3] Category 359–C: only HTS numbers 6103.42.2010, 6103.42.2025, 6103.49.3034, 6104.62.1010, 6104.62.1020, 6104.69.3010, 6114.20.0042, 6114.20.0048, 6114.20.0052, 6203.42.2005, 6203.42.2010, 6203.42.2090, 6204.62.2005, 6204.62.2010, 6211.32.0005, 6211.32.0010, 6211.32.0025, 6211.42.0005 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2015, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1010, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2005, 6203.43.2010, 6203.43.2090, 6203.49.1005, 6203.49.1010, 6203.49.1090, 6204.63.1505, 6204.63.1510, 6204.69.1005, 6204.69.1010, 6210.10.4015, 6211.33.0005, 6211.33.0010, 6211.33.0017, 6211.43.0005 and 6211.43.0010.

359–O/659–O [4]
445/446
447/448
604–A [5]
604–O/607–O [6]
645/646
669–B [7]
669–O [8]

You are directed to permit entry of shipments of these products exported from Mexico on and after January 1, 1990 which list on the visa or accompanying Shippers Export Declaration (form ITA–370P) either the correct merged category or the correct category corresponding to the actual shipment.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Extension of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

April 17, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs extending limits.

EFFECTIVE DATE: April 24, 1990.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6581. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Inasmuch as no mutually agreed solution has been reached and to avoid continued market disruption, the limits for Categories 313, 315 and 638/639 are being extended for the period which began on March 31, 1990 and extends through March 30, 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 33050, published on August 11, 1989; and 54 FR 50797, published on December 11, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 17, 1990.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 24, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Thailand and exported during the twelve-month period beginning on March 31, 1990 and extending through March 30, 1991, in excess of the following limits:

Category	12-mo. restraint limit [1]
313	12,415,579 square meters.
315	16,297,979 square meters.
638/639	1,773,959 dozen.

[1] The limits have not been adjusted to account for any imports exported after March 30, 1990.

Imports charged to these category limits for the period March 31, 1989 through March 30, 1990 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–9287 Filed 4–20–90; 8:45 am]

BILLING CODE 3510–DR–M

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Turkey

April 17, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: April 24, 1990.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6582. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryforward. The adjustment to Categories 338/339 includes a correction to the March 27, 1990 directive (55 FR 12257, published on April 2, 1990).

A description of the textile and apparel categories in terms of HTS numbers is available in the correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 27666, published on June 30, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 17, 1990.

Commissioner of Customs,

[4] Category 359–O: all remaining HTS numbers in Category 359; Category 659–O): all remaining HTS numbers in Category 659.

[5] Category 604–A: only HTS numbers 5509.32.0000.

[6] Category 604–O: all HTS numbers except 5509.32.0000; Category 607–O: all HTS numbers except 5509.53.0030 and 5509.53.0060.

[7] Category 669–B: only HTS numbers 6305.31.0020 and 6305.39.0000.

[8] Category 669–O: all remaining HTS numbers in Category 669.

Department of the Treasury, Washington, DC 20229

Dear Commissioner: This directive amends but does not cancel, the directive issued to you on June 23, 1989, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the period which began on July 1, 1989 and extends through June 30, 1990.

Effective on April 24, 1990, the directive of June 23, 1989 is being amended further to adjust the limits for cotton textile products in the following categories, as provided under the provisions of the current bilateral agreement between the Governments of the United States and Turkey:

Category	Adjusted 12-mo. limit [1]
338/339	1,479,140 dozen of which not more than 1,089,998 dozen shall be in Categories 338-S/339-S.[2]
341	585,480 dozen of which not more than 215,943 dozen shall be in Category 341-Y.[3]
347/348	1,587,085 dozen of which not more than 793,543 dozen shall be in Categories 347-T/348-T.[4]
350	166,494 dozen.
361	598,900 numbers.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1989.

[2] Category 338-S' only HTS number 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2046, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[3] Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 347-T: only HTS numbers 6103.19.2015, 6103.19.4020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.3010, 6112.11.0050, 6113.00.0035, 6203.19.1020, 6203.19.4020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.3020, 6210.40.2030, 6211.20.1520, 6211.20.3010 and 6211.32.0040; Category 348-T: only HTS numbers 6104.12.0030, 6104.19.2030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.3022, 6112.11.0060, 6113.00.0040, 6117.90.0042, 6204.12.0030, 6204.19.3030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.3010, 6204.69.9010, 6210.50.2030, 6211.20.1550, 6211.20.6010, 6211.42.0030 and 6217.90.0050.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-9286 Filed 4-20-90; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information; General Order Issued to Manufacturers, Importers, Packages and Private Labelers of Methylene Chloride-Containing Consumer Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a General Order posing questions to manufacturers, importers, packagers and private labelers of consumer products containing 1% or more of methylene chloride ("DCM"). The requested expiration date is December 30, 1990.

The purpose of the information collection is to obtain information concerning the characteristics, labeling, and marketing of products containing DCM in order to evaluate the Commission's policy regarding labeling of these consumer products. Information regarding the extent to which methylene chloride is currently used in consumer products will enable the Commission to determine what, if any, additional steps are needed to protect consumers. Information concerning labeling of DCM-containing products will enable the Commission to evaluate industry's response to the Commission's statement of policy concerning requirements for labeling of household products containing DCM published in the **Federal Register** of September 14, 1987 (52 FR 34698). This information is sought pursuant to the Commission's authority under section 27(b)(1) of the Consumer Product Safety Act to issue General Orders, 15 U.S.C. 2076(b)(1), and its regulations at 16 CFR 1118.8.

Additional Details About the Request for Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: General Order for Submission of Information on Methylene Chloride-Containing Products.

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: manufacturers, importers, packagers and private labelers of consumer products containing 1% or more of methylene chloride.

Total number of respondents: approximately 150 firms producing approximately 450 products.

Hours per response: approximately 2 hours per product.

Total hours for all respondents: not more than 900 hours.

Comments

Comments about this request for approval of a collection of information should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395-7340. Copies of the request for approval of a collection of information are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6416.

Dated: April 13, 1990.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 90-9320 Filed 4-20-90; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement for the Proposed Construction and Operation of the Aerial Cable Test Capability at White Sands Missile Range, NM.

AGENCY: DOD, U.S. Army, White Sands Missile Range, NM.

Commanding General, U.S. Army White Sands Missile Range has been designated the functional staff proponent. For Headquarters Department of the Army, the Army Staff (ARSTAF) proponent and lead office is Director, Test and Evaluation Management Agency.

SUMMARY AND PROPOSED ACTION: The U.S. Army White Sands Missile Range (WSMR) is proposing to construct and operate an Aerial Cable Test Capability (ACTC) from mountain peaks at WSMR using a large-scale aerial tramway on which vehicles will traverse in captive flight. The vehicles act as targets for testing ground-to-air and air-to-air missiles or launch platforms for air-to-ground munitions. This testing

technique, developed at Sandia National Laboratories, Albuquerque, NM, has demonstrated technical and economic advantages over tests using manned or droned aircraft. The Sandia Facility is limited in capability and satisfies only a small number of the DOD's programmatic requirements.

Four alternatives are being considered. The first three alternatives are to install the proposed ACTC at one of three WSMR sites. The fourth alternative is to do nothing. The no action alternative would preclude adverse environmental impacts arising from the erection and operation of this facility. However, this type of testing would continue to be conducted with manned and droned aircraft, using more costly and frequently less technically rewarding techniques.

Three sites on WSMR were selected as alternatives after an evaluation of a total of ten sites. The sites were (1) Coso Peak, China Lake, CA; (2) Cactus Peak, Nellis Air Force Base (AFB), NV; (3) Trigo Peak, Yuma Proving Grounds, AZ; (4) Gila Mountain, Goldwater Bombing Range, AZ; (5) Rattlesnake Ridge, Fort Bliss, TX; (6) Madera Canyon, Kirtland AFB, NM; (7) two towers on Eglin AFB, FL; (8) South Oscura Peak, WSMR, NM; (9) Fairview Mountain West, WSMR, NM; and (10) Fairview Mountain South, WSMR, NM.

Each site was evaluated based on available mountain support for the aerial cable, resulting span length, and cable clearance above ground. Sites 1, 2, and 4 were eliminated from consideration because they had mountain support at one end of the cable but would require a tower at the other end, resulting in potential interference with ongoing operations. Sites 3 and 5 were eliminated from consideration because of an insufficient safety footprint to support the proposed testing. Site 7 was eliminated from consideration because it required tower supports at both ends of the cable. The remaining three sites are potential sites, with South Oscura Peak (site 8) providing the greatest cable clearance above ground at the desired span with mountain-to-mountain support. A more detailed description of the siting process will be addressed in the EIS.

SCOPING PROCESS: Comments received as a result of this notice will be used to assist the Army in identifying potential impacts to the quality of the environment. Individuals or organizations may participate in the scoping process by written comments or by attending a public scoping meeting to solicit inputs of significant environmental issues associated with the construction and operation of the ACTC at WSMR. This scoping meeting is scheduled for 9 May 1990, at the Carbine Auditorium, Physical Science Laboratory, New Mexico State University, Corner of Espina and Stewart Streets, Las Cruces, NM, from 7 to 10 p.m. In addition to this scoping meeting, written inputs to the scoping process are solicited. Comments in response to this Notice of Intent (NOI) or as part of the scoping process are requested in writing within 30 calendar days from publication of this notice in the **Federal Register.**

Questions concerning the proposed action or the National Environmental Policy Act (NEPA) process for the action or comments on this NOI, should be addressed to Commander, U.S. Army White Sands Missile Range, ATTN: STEWS–ID–DC (Mr. Henry B. Stephenson), White Sands Missile Range, NM, 88002. Other written inputs concerning the scoping process should be mailed to the contracted consulting firm, Physical Science Laboratory, ATTN: Mr. Roy A. Cunniff, Box 30002, New Mexico State University, Las Cruces, NM, 88003–0002.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I,L&E).

[FR Doc. 90–9278 Filed 4–20–90; 8:45 am]

BILLING CODE 3710–08–M

Army Child/Adolescent Mental Health CHAMPUS Funded Demonstration Project

AGENCY: U.S. Army Health Services Command, Department of the Army, DOD.

ACTION: Notice of implementation of the Army Child/Adolescent Mental Health CHAMPUS funded Demonstration Project to be conducted at Fort Bragg, North Carolina.

SUMMARY: This action implements an approved Army CHAMPUS benefits demonstration. The Assistant Secretary of Defense (Health Affairs) approved this demonstration under title 10 U.S.C. 1092. Further, the authority and responsibility to conduct the demonstration was delegated to the Department of the Army. The Fort Bragg Mental Health Demonstration is an innovative approach through a federal-state contract with the state of North Carolina, to provide comprehensive mental health services to children and adolescents who reside in the Fort Bragg, North Carolina catchment area.

EFFECTIVE DATE: June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Major Samuel H. Robinson, CHAMPUS Division, Deputy Chief of Staff for Clinical Services, Fort Sam Houston, TX 78234–6000, telephone (512) 221–6791.

SUPPLEMENTARY INFORMATION: The Army has a contract with the State of North Carolina, Department of Human Resources, which will last a maximum of 57 months, to test the efficacy of using managed care techniques and an alternative delivery system to control costs and assure clinical outcomes in the provision of mental health services to children and adolescents. The project will use a continuum of community based services to augment existing authorized CHAMPUS mental health benefits. The alternative delivery system includes therapeutic homes, specialized foster care, group homes, supervised apartment living, in home services, residential/day camps, vocational counseling, day treatment and partial hospitalization.

Services will be tailored to specific patient clinical needs and will be provided at the most appropriate level of care, in terms of safety, effectiveness, and efficiency. The contractor is expected to control the use of restrictive treatment settings and reduce the amount of care that is not medically and/or psychologically necessary, particularly in the area of acute inpatient and residential care.

Persons included in the demonstration are all CHAMPUS eligible beneficiaries who are between the ages of zero to eighteen and reside in the Fort Bragg catchment area. The catchment area is defined in the Defense Management Information System Catchment Area Directory. Persons enrolled in the CHAMPUS Program for the Handicapped, the State of North Carolina "Willie M." program and those generally diagnosed as mentally retarded and/or from the state of North Carolina are excluded from receiving services provided under this contract.

The contractor will waive standard CHAMPUS cost-share and deductible requirements for patients enrolled in the contractors continuum of care system. This waiver only applies to mental health services. Cost shares and deductibles required by law for other than mental health services will continue for eligible patients. Coordination with OCHAMPUS fiscal intermediary for the Mid-Atlantic Region has been accomplished.

The contractor provided continuum of care is an exclusive provider arrangement. The contractor shall be responsible for providing all mental health services residing in the target

area. Eligible beneficiaries shall obtain all mental health services from providers authorized by the contractor. Services obtained without authorization from the contractor will not be cost shared from CHAMPUS funds. Persons temporarily residing in the catchment area may use the contractors system, however, claims for services will be filed with the FI for the Mid-Atlantic region and will not be part of the demonstration. These temporary residents are not eligible for the alternative delivery system's augmented benefits or waiver of cost share and deductible.

The contractor will provide a centrally managed system for planning, budgeting and staffing, which includes diagnostic assessment, development and implementation of individualized treatment plans, provision of treatment services, case management services, and post discharge follow-up. The contractor shall provide 24 hour emergency services. Twenty-four hour a day crisis services will be available within reasonable time and distance requirements from patients' residences. The contractor will provide sufficient case managers, management, and treatment team personnel to meet patient demand and for the proper performance of the provisions of this contract.

The contractor shall develop and implement a quality assurance program which will monitor the quality and appropriateness of care provided. This program will review all treatment plans to ensure they are directed to establishing a correct diagnosis, prescribing appropriate medications and treatment settings, and ensures the initial and continued qualifications of health care providers under contract or agreement with the prime contractor. An integral part of the quality monitoring system is the Project Coordinating Committee. This committee is composed of contractor and government provider representatives and will monitor the progress of the system of care.

The contractor shall develop a Marketing Plan which addresses issues pertinent to the demonstration. The plan shall include provisions for notifying beneficiaries of the demonstrations provisions, patient access to the system, patient cost and relationship to other CHAMPUS benefits. The plan shall include information for health care providers regarding the provision of services under the contract, case management system, payment system changes, patient preauthorization, quality assurance, and credentialling provisions. The marketing plan shall include provisions for information briefings conducted by the contractor for patients and providers (including military providers), phase in of services where applicable and pertinent phone numbers and addresses where questions may be directed. The plan will also include provisions for liaison meetings with the Mid-Atlantic Region FI and OCHAMPUS is required to properly implement the provisions of the demonstration.

The contractor will develop and operate a unit cost reimbursement system. No claims forms will be filed by patients using the system for mental health services. The contractor will operate a grievance and appeals system containing the same provisions and patient rights as chapter 10 DODI 6010.8–R, The Civilian Health and Medical Program of the Uniformed Services.

The contractor has subcontracted with Vanderbilt University, Nashville, Tennessee to conduct an evaluation of the continuum of care system to determine if the contractor arrangement between U.S. Army Health Services Command and the State of North Carolina, Department of Human Resources can provide a cost effective alternative to regular CHAMPUS mental health benefits. Vanderbilt University will also conduct a cost effectiveness evaluation and quality assurance analysis of the continuum of care. Data will be collected from the Fort Bragg catchment area and two control sites, Fort Campbell, KY and Fort Stewart, GA. Data collection will be accomplished by trained mental health professionals. Patient participation in the evaluation is voluntary. Both participating patients and providers will be compensated for their time and effort. Vanderbilt University will furnish periodic progress reports quarterly, a baseline report at month 27, interim cost and quality reports at months 24 and 36, interim outcome repots at months 30 and 40, and a final report at month 46.

Estimated savings over the life of the contract when compared with current methods of treatment and of CHAMPUS payment is six million dollars on an aggregate basis. However, per case savings is estimated to approach forty percent. This is a result of providing services to a greater number of patients at a lower total cost. The contractor will furnish status reports beginning at month 10 and quarterly thereafter. Additionally, the monthly meeting of the project advisory committee will provide concurrent evaluation of the contract status.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90–9255 Filed 4–20–90; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Coastal Engineering Research Board; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: June 5–7, 1990.

Place: Fort Lauderdale Airport Hilton, Dania, Florida.

Time: 7:30 a.m. to 6 p.m. on June 5; 8 a.m. to 4:30 p.m. on June 6; 8:15 a.m. to 11:30 a.m. on June 7.

Theme: Coastal Inlets.

Proposed Agenda: The morning session on June 5 will consist of a review of CERB business; presentations entitled Interagency Coordination on Hurricane Response; Expansion of the Field Wave Gage Program—Plans for South Atlantic Division; Update of the Dredging Research Program—Oil Spill Initiative; Changing Role of Inlets in Coastal Management; and an overview of the field trip.

The afternoon of June 5 will be devoted to a bus tour of South Lake Worth Sand Transfer Plant; Delray Beach; Pompano Beach; and Hallendale Beach.

The session on June 6 will consist of three panel discussions with several presentations under each topic. The first topic will be Determining Benefits for Coastal Projects which includes presentations entitled Benefits for Coastal Projects; Recommended Modifications in Benefit/Cost Management Practices; and Economic Evaluation of Corps Protection Projects. The second topic will be Effects of Tidal Inlets on Shorelines, which includes presentations entitled Impacts on Coastal Erosion; Kings Bay Monitoring Study; and Nearshore Berms. The third topic will be Sand Bypass Systems for Inlets, which includes State of Florida Position on Sand Bypass Systems; Political and Institutional Impacts of Sand Bypass Systems; Oceanside, California, Demonstration; Indian River—Corps Newest Bypass System; and Nerang River, Australia—An Automated, Integral Bypass System. Other presentations to be discussed are Coast of Florida Study; Report on Engineering Manual "Coastal Inlet Hydraulics and Sedimentation"; and After GITI—the Next Phase of CERC's Tidal Inlet Research.

On June 7 there will be presentations on CERC's New Nearshore Directional Wave Gage; Scanning Hydrographic Operational Airborne Laser Survey (SHOALS) System;

and recommendations by members of the Board.

This meeting is open to the public; participation by the public is scheduled for 9:50 a.m. on June 7.

The entire meeting is open to the public subject to the following:

1. Since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Larry B. Fulton, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

Larry B. Fulton,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 90–9260 Filed 4–20–90; 8:45 am]

BILLING CODE 3710–08–M

Meeting of Environmental Advisory Board

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB). The meeting is open to the public.

DATES: The meeting will be held from 8 a.m., Wednesday, May 16, 1990 to 11 a.m., Friday, May 18, 1990.

ADDRESSES: The meeting will be held at the U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, Mississippi 39180–0631.

FOR FURTHER INFORMATION CONTACT: Dr. William L. Klesch, Chief, Office of Environmental Policy, Office of the Chief of Engineers, Washington, DC 20314–1000, (202) 272–0166.

SUPPLEMENTARY INFORMATION: The schedule and proposed agenda of the 48th Meeting of the EAB, "Ecosystems and Their Human Value," is:

May 16, 1990

0800–0820	Welcome	COL Larry Fulton COL Frank Skidmore
820–0850	Chief's Charge to EAB.	MG Patrick Kelly
0850–0905	EAB Reply to Chief's Charge.	Dr. L. Eugene Cronin
0905–1015	Old and New Business.	Dr. William Klesch
10015–1030	BREAK	
1030–1155	Perspectives on Quantification of Ecosystem Functions and Their Values.	Panel
	U.S. Fish and Wildlife Service.	Dr. Ralph Morgenweck
	U.S. Environmental Protection Agency.	Mr. Dave Davis
	National Marine Fisheries Service.	Dr. Nancy Foster
	Missouri Department of Conservation.	Mr. Dave Urich
	Wildlife Management Institute.	Dr. Laurence Jahn
1155–1230	EAB Questions and Answers.	Dr. Cronin/EAB
1230–1330	LUNCH	
1330–1420	An Economic Point of View in the Evaluation of Ecosystem Values.	Panel
	North Dakota State University.	Dr. Jay Leitch
	National Wildlife Federation..	Mr. David Campbell
1420–1445	EAB Questions and Answers.	Dr. Cronin/EAB
1445–1500	BREAK	
1500–1630	State of the Art for Quantifying Ecosystem Functions and Values.	Panel
	Habitat Based Evaluation Procedures/Methodology.	Mr. Adrian Farmer, USFWS
	Wetland Evaluation Technique.	Mr. Dan Smith, WES
	Louisiana Wetlands Study—Contingent Value Method for Wetland Recreation.	Mr. John Titre, WES
	Visual Resource Assessment Procedure.	Mr. Jim Henderson, WES
	Instream Flow Models.....	Dr. John Nestler, WES
1630–1170	EAB Questions and Answers.	Dr. Cronin/EAB
1700–1715	Public Comments.....	Dr. Cronin

May 17, 1990

0800–0915	The Planner's View of Quantification of Ecosystem Functions.	Panel
	Everglades Study.....	Dr. Jonathan Moulding, CESAJ–PD–EE
	Upper Mississippi Environmental Programs.	Mr. Bob Whiting, CENCS–ED–GH
	Santa Ana River Project, California.	Ms. Ruth Bajza Villalobos, CESPL–ED–HE
	Wetlands Study, Lower Mississippi River.	Mr. John Weber, CELMN–PD–R
0915–0945	EAB Questions and Answers.	Dr. Cronin/EAB
0945–1000	BREAK	
1000–1145	Intangible "Human Values" and Conservation Biology.	Panel
	Biodiversity.....	Mr. Hal Salwasser, USFS
	Endangered Species.....	Mr. Dave Wesley, USFWS
	Aesthetics and Quality of Life.	TBA
	Nonconsumptive Uses of Wildlife.	Mr. William Shaw, University of Arizona, Tucson
1145–1215	EAB Questions and Answers.	Dr. Cronin/EAB
1215–1330	LUNCH	
1330–1430	Future Directions—Sharpening the Tools of Resource Economics.	Panel
	Virginia Polytechnic University.	Dr. Leonard Shabman
	Department of the Interior.....	Dr. Jon Goldstein
	North Carolina State University.	Dr. Kerry Smith
1430–1500	EAB Questions and Answers.	Dr. Cronin/EAB
1500–1530	Public Comments	

May 18, 1990

0800–0900	Report of EAB to the Chief of Engineers.	Dr. L. Eugene Cronin
0900–0930	BREAK	
0930–1030	Response on Behalf of the Chief of Engineers.	Mr. Jimmy Bates
1030–1100	Public Comments	
1100	Meeting is Adjourned.....	Dr. L. Eugene Cronin

William L. Klesch,

Chief, Office of Environmental Policy, Policy & Planning Division Directorate of Civil Works.

[FR Doc. 90–9259 Filed 4–20–90; 8:45 am]

BILLING CODE 3710–08–M

Defense Nuclear Agency

Privacy Act of 1974; New Record System

AGENCY: Defense Nuclear Agency, DOD.

ACTION: Notice of a proposed new record system notice.

SUMMARY: The Defense Nuclear Agency proposes to add a new system of records notice to its inventory of systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The record system notice for the proposed new system is set forth below.

DATES: The record system will be effective without further notice on May 23, 1990, unless comments are received that would result in a contrary determination.

ADDRESSES: Comments should be forwarded to Robert L. Brittigan, General Counsel, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398. Telephone (703) 325–7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency notices of systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a), were published in the **Federal Register** as follows:

50 FR 22596, May 29, 1985 (DoD Compilation, changes follow)
52 FR 23333, Jun 19, 1987

A new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was

submitted on April 12, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985)

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1990.

HDNA 003

SYSTEM NAME:

Drug-Free Workplace Files.

SYSTEM LOCATION:

Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency (HQ, DNA), 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in Headquarters, Defense Nuclear Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing for illegal drug abuse (includes documents related to selection and notification procedures, collection of urine specimens, laboratory testing, review of test results, and chain of custody documents).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71, 5 U.S.C. 7301; Executive Order 12564, "Drug-Free Federal Workplace" and Executive Order 9397.

PURPOSE(S):

This system is for the purpose of maintaining Drug Program Coordinator records on the selection, notification, and testing for illegal drug abuse by employees of HQ, DNA and applicants for positions at HQ, DNA.

Records may be used by authorized contractors for the collection process; assigned Medical Review Officers; the Administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and agency supervisory or management officials having authority to take adverse personnel action against such an employee when test results are positive.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the Defense Nuclear Agency "Blanket Routine Uses" published at the beginning of DNA's compilation of systems of records notices do not apply to this system of records.

Records may be released to a court of competent jurisdiction when required by the United States Government to defend against a challenge to related adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on magnetic tape, diskette, or other machine readable media.

RETRIEVABILITY:

Records are retrieved by employee or applicant name and/or social security number.

SAFEGUARDS:

Paper records are stored in a locked file cabinet or are locked in a combination safe when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Files on applicants for positions are maintained for a period not to exceed six months.

Files on employees are retained for two years. In instances of a positive test finding resulting in the reassignment or separation of an employee, files are destroyed two years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Drug Program Coordinator, Civilian Personnel Management Divison, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The request should contain the full name, Social Security Number, and the notarized signature of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria VA 22310–3398.

The request should contain the full name, Social Security Number, and the notarized signature of the subject individual.

CONTESTING RECORD PROCEDURES:

The Defense Nuclear Agency's rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR Part 291a; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The test subject, Medical Review Officer, collection personnel, and others on a case-by-case basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90–9276 Filed 4–20–90; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.103]

Training Program for Special Programs Staff and Leadership Personnel; Inviting Applications for New Awards for Fiscal Year 1990

Purpose of Program: Provides grants to institutions of higher education, and other public and private nonprofit institutions and organizations, for projects that improve the operation of the Special Programs for Students from Disadvantaged Backgrounds (Student Support Services, Upward Bound, Talent Search, Educational Opportunity Centers, and the Ronald E. McNair Post-Baccalaureate Achievement Program) by providing training for staff and leadership personnel employed in, or preparing for, employment in such projects.

Deadline for Transmittal of Applications: June 29, 1990.

Application Availability: April 23, 1990.

Available Funds: $1,535,018.

Estimated Range of Awards: $50,000–$250,000.

Estimated Average Size of Awards: $100,000.

Estimated Number of Awards: 15.

Project Period: 24 months.

Applicable Regulations: (1) The Training Program for Special Programs Staff and Leadership Personnel Regulations, 34 CFR part 642, and (b) the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 81, and 85.

Funding Priorities: In accordance with 34 CFR 75.105(c)(2) and 34 CFR 642.34 of the program regulations, the Secretary has established the following priorities:

(1) Basic skills instruction in reading, mathematics, written and oral communication, and study skills;

(2) Student financial aid;

(3) Support services for persons of limited proficiency in English;

(4) Support services for physically handicapped persons; and

(5) General project management for new directors.

The Secretary awards up to 8⅓ points to applicants that propose to carry out one or more of the funding priorities. The Secretary will consider applications for a Training Program project on topics other than those given priority if the applicant addresses another significant training need in the local area being served by the Special Programs. However, such topics are not eligible to receive funding priority under 34 CFR 642.31(f)(2)(iii).

For Application or Information Contact: May J. Weaver, Chief, Special Services Branch, Division of Student Services, U.S. Department of Education, 7th & D Streets SW., Mail Stop 5249, room 3060, Washington, DC 20202–5249.

Program Authority: 20 U.S.C. 1070d, 100d–1d.

Dated: April 12, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90–9270 Filed 4–20–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Savannah River Operations Office; Financial Assistance Award; Intent To Award a Noncompetitive Grant

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive award of grant.

SUMMARY: The Department of Energy (DOE) announces that it plans to award a renewal grant to Claflin College, Orangeburg, SC, for the conduct of a Student Science Enrichment Training Program, with special emphasis on chemical and computer science fields. The grant will be awarded for a two-year period at a DOE funding level of $62,924. Pursuant to § 600.7(b)(2)(i)(A) of the DOE Assistance Regulations (10 CFR part 600), DOE 600.7(b)(2)(i)(A) of the DOE Assistance Regulations (10 CFR part 600), DOE has determined that the activity to be funded is necessary to the satisfactory completion of an activity presently being funded by DOE and eligibility for this grant award shall be limited to Claflin College.

PROCUREMENT REQUEST NUMBER: 09–09–90SR18048.001.

PROJECT SCOPE: For the past two summers, Claflin College conducted a Student Science Enrichment Training Program for thirty participants selected from a pool of applicants, generated by the high school senior and juniors and the freshmen classes at Claflin. The program primarily focused on high ability students, with potential for science, mathematics and engineering careers. The programs placed emphasis on laboratory experience and some research participation. Visits to scientific laboratories and other points of scientific interest were arranged to stimulate scientific career goals among the participants. The progress of the participants after training was monitored by Claflin through visits and the exchange of letters. A survey indicated that 79% of the participants opted for careers in science, computer science and mathematics.

Claflin College is a Historically Black College or University (HBCU) and falls within the meaning and intent to Executive Orders 12320 and 12677 pertaining to Government assistance to HBCUs. The participation of HBCUs in federally supported programs is relatively limited. In order to overcome some of these limitations, the Orders directed federal agencies to increase the participation of HBCUs in federally-funded programs and to strengthen their capabilities to provide quality education. This award represents an effort to strengthen the HBCU community.

DOE has determined that this award to Claflin College on a noncompetitive basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Ronald D. Simpson, Chief, Contracts Management Branch, U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725–2096.

Issued in Aiken, South Carolina on April 11, 1990.

John D. Wagoner,

Deputy Manager, Head of Contracting Activity Designee, Savannah River Operations Office.

[FR Doc. 90–9338 Filed 4–20–90; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to Florida Solar Energy Center (FSEC)

AGENCY: Department of Energy.

ACTION: Notice of non-competitive financial assistance award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.7(b)(2)(i)(A), it plans to make a noncompetitive financial assistance award to FSEC to fund the first budget period of a 5-year project period under Grant Number DE–FG01–90CE21048 to FSEC, in the estimated amount of $90,000.

SCOPE: The objectives of this work are to advance the state-of-the-art of daylighting and fenestration design and performance evaluation in the following areas not adequately covered by other programs: (1) Contribute to the development of an international standard practice for daylight availability measurements and to planning for the International Commission of Illumination for International Daylight Measurement Program (CIEIDMP); (2) perform analyses of availability data collected at FSEC and use this to verify and extend existing theoretical models of daylight availability; (3) write papers, and develop improved design tools based upon the solar radiation and daylight availability data collected at FSEC and elsewhere; (4) continue supporting LBL work in design tool development and evaluation; (5) evaluate the relative merits of competing fenestration design options and products, using DOE–2 runs and special, simplified software designed for this purpose; and (6) support the work of the Joint Canada/U.S. Fenestration Technical Committee through reviews of plans and documents, advice on directions, and continued development of fenestration performance evaluation tools.

ELIGIBILITY: Eligibility for this award is being limited to FSEC because of its unique qualifications and expertise and its involvement in this research for the last 5 years. Dr. Ross McCluney, the principal investigator, holds B.A., M.S.,

and Ph.D., degrees in physics, specializing in optics and has extensive experience in the field of fenestration and illumination evaluation. The FSEC has an optical laboratory designed for indoor and outdoor tests of the Solar radiant heat gain and light transmittance and distribution of various fenestration materials and components. This combination of qualifications in the fields of optical physics and fenestration system design and evaluation are unique and critical to the achievement of the stated objectives.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rosemarie H. Marshall, PR-542, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 90-9339 Filed 4-20-90; 8:45 am]

BILLING CODE 6450-01-M

Geothermal Resource Council.

AGENCY: Department of Energy.

ACTION: Determination of noncompetitive financial assistance.

SUMMARY: Research and Development of Geothermal International Symposium.

The Department of Energy, Idaho Operations Office, intends to award a grant noncompetitively to the Geothermal Resource Council (GRC) in the amount of $75,000 for two conference activities for their International Sysposium to be held in August, 1990. Specifically this grant will provide financial support for the development and publication of conference proceedings and administrative activities for the conference. The GRC brings reseachers together from all over the world, to discuss the current geothermal research and development. The merit of such a conference is substantial; and, it will be the only international symposium on Geothermal Energy to be held this year. The authority for the proposed award is the Geothermal Research, Development, and Demonstration Act of 1974 (Pub. L. 93-40). This action is justified under DOE Financial Assistance Rule 10 CFR 600.7(b)(2)(i)(B) in that the activity is being or would be conducted by the applicant using its own resources or those donated or provided by the third parties. However, DOE support of that activity will enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity.

PROCUREMENT REQUEST NUMBER: DE-FG07-90ID12956.

CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place,, Idaho Falls, Idaho 83402, Elizabeth M. Bowhan, Contracting Officer.

Dated: April 11, 1990.

[FR Doc. 90-9340 Filed 4-20-90; 8:45 am]

BILLING CODE 6450-01-M

Determination of Noncompetitive Financial Assistance

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to award on a noncompetitive basis a grant to the President and Fellows of Harvard College to arrange and conduct all aspects of the 21st DOE/NRC Nuclear Air Cleaning Conference. The grant award will continue the project through October 14, 1991. The estimated amount is $52,000.

PROCUREMENT REQUEST NO.: 05900R21919.000.

PROJECT SCOPE: This grant award is to continue a biennial conference which has been sponsored by DOE and its predecessor agencies (i.e., ERDA and AEC) for the past 40 years. This conference has been used to disseminate and obtain information related to waste management and air treatment systems, and has provided an international forum for prompt introduction of new technology, exchanges of technical information, stimulation of research in matters of current regulatory concern, and evaluation of research results and design proposals for improving safety. Activities in support of this program include the preparation of a conference agenda, arrangement for the date and location of the conference, solicitation and selection of papers for presentation, conduct of the conference over a four day period, and preparation of camera ready manuscript of the conference proceedings.

FOR FURTHER INFORMATION CONTACT: Martha J. Rohr, Research Management Branch, Energy Programs Division, U.S. Department of Energy, P.O. Box 2001, Oak Ridge, Tennessee 37831-8611, (615) 576-0717.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations.

[FR Doc. 90-9341 Filed 4-20-90; 8:45 am]

BILLING CODE 6450-01-M

Grants and Cooperative Agreement Award; Oregon Institute of Technology Geo-Heat Center

AGENCY: Department of Energy.

ACTION: Determination of noncompetitive financial assistance with Oregon Institute of Technology Geo-Heat Center (OIT), Klamath Falls, Oregon.

SUMMARY: Research and Development of Hydrothermal and Geopressured Geothermal Technologies.

The Department of Energy announces that it plans to award a grant noncompetitively to the Oregon Institute of Technology Geo-Heat Center (OIT), for hydrothermal-geothermal and geopressured-geothermal research and development. This award will be for a period of five years at a total cost of approximately $1 million. This action is authorized by Public Law 93-40, Geothermal Research, Development, and Demonstration Act of 1974. The proposed activity will provide services to state and federal agencies, engineering consultants, planners and developers who request assistance for the development of geothermal direct uses. These activities will further advance the knowledge to meet the public need to help reduce dependence upon foreign energy sources and help reduce atmospheric pollution. The award of this noncompetitive assistance is justified under subparagraphs (A) and (D) of 10 CFR 600.7(b)(2)(i) as follows: (A) The activity to be funded is necessary to the satisfactory completion of research and the continuation of direct use assistance presently being funded by DOE under DE-FG07-90ID12693, and for which competition for support would have a significant adverse effect on continuity of the activity; (D) The applicant has exclusive domestic capability to perform the activity successfully, based upon its technical expertise.

PROCUREMENT REQUEST NUMBER: DE-FG07-87ID12952.

CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, Elizabeth M. Bowhan, (208) 526-1229, Contracting Officer.

Dated: April 11, 1990.

J. Roger Gonzales,

Director, Contracts Management Division.

[FR Doc. 90-9342 Filed 4-20-90; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

East Fork Salmon River Fish Habitat Improvement Project; Floodplain Action

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposal to enhance spawning and rearing habitat for anadromous fish within a floodplain of the two tributaries of Idaho's East Fork Salmon River.

SUMMARY: BPA proposes to fund measures designed to enhance spawning and rearing habitat for anadromous fish in two tributaries of Idaho's East Fork Salmon River. Due to the nature of the proposed activities, some may be located within the 100-year floodplain. This project is part of the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program adopted in 1982 (revised in 1984 and 1987) under measure 704(d)(1). The purpose of the Program is to work toward rebuilding fish and wildlife population harmed by the development and operation of the Federal Columbia River Power System. The East Fork Salmon River project concepts were developed following 4 years of investigation by the Shoshone-Bannock Indian Tribe.

FOR FURTHER INFORMATION CONTACT: Anthony R. Morrell, Assistant to the Administrator for Environment, Bonneville Power Administration, P.O. Box 3621–AJ, Portland, Oregon 97208; (503) 230–5136. Maps and additional information are available from Kevin Ward, (503) 230–5373.

SUPPLEMENTARY INFORMATION: The proposed activities would take place on two tributaries of the East Fork Salmon River, Big Boulder Creek, and Herd Creek. The proposed plan for Big Boulder Creek would consist of removing a small dam that was used at one time to generate electricity for a mining operation in the area. Additional work on Big Boulder Creek would consist of excavating high cut banks and using some of this material to stabilize erosion of the bank and reduce movement of the channel. Activities on Herd Creek would consist of fencing and revegetating areas along the stream to stabilize the bank. These activities would be located in the floodplain of both Big Boulder Creek and Herd Creek.

DOCUMENTS AVAILABLE: An Environmental Assessment (EA) on the project is being prepared. A draft of the EA was distributed for public review in August through October 1989. The EA will include a floodplain assessment, an evaluation of the proposed activities, and other information on potential environmental effects. You may obtain copies of the EA (48 pages plus appendices) by calling BPA's toll-free numbers: (800) 841–5867 for Oregon; or (800) 624–9495 for other Western States. You will reach a recorded message where you may leave a request for the East Fork Salmon River Habitat Enhancement Project.

Issued in Portland, Oregon, on April 10, 1990.

Jack Robertson,

Deputy Administrator, Bonneville Power Administration.

[FR Doc. 90–9345 Filed 4–20–90; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RM87–17–000]

Natural Gas Data Collection System; Availability of Certificate Software and Revised Instructions Relating to Certificate Record Formats

April 16, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Availability of Certificate Software and Revised Instructions Relating to the Certificate Record Formats.

SUMMARY: New software for data entry and edit checking of the structured data file and revised software to print certificate filings required to be submitted on electronic medium in accordance with Order Nos. 493 (53 FR 15025 (Apr. 27, 1988)), 493–A (53 FR 30027 (Aug. 10, 1988)), and 493–B (53 FR 49652 (Dec. 9, 1988)) is now available. Both PC and mainframe versions of the edit-checking module and the hard copy print module of the certificate application software are available at this time. The data entry module is available for execution in a PC environment only. The PC version of each module is available on diskette and the mainframe version on magnetic tape. A Users/Operations Manual for all modules and versions of the certificate application software is also available. This notice identifies revisions and corrections to the certificate application electronic filing instructions and formats. Separate order forms are attached for requesting either the PC version (executable code and/or source code) or the mainframe version (source code) of the software.

DATES: The PC software, mainframe source code, Users/Operations Manual, and the revised instructions relating to the record formats are available on April 6, 1990.

ADDRESSES: Requests for the PC version of the various software modules should be directed to: Reference and Information Center, Federal Energy Regulatory Commission, 941 North Capitol Street NE., Room 3308, Washington, DC 20426, (202) 208–1371 (New phone numbers effective April 16, 1990).

FOR FURTHER INFORMATION CONTACT:

For general information contact: Robert Czarick, (202) 208–0995 or George D. Dornbusch, (202) 208–1181. For information related to the mainframe version of the software contact Annette Raiford at (202) 208–2153.

Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 6106, Washington, DC 20426.

SUPPLEMENTARY INFORMATION: Software is now available to provide for data entry and edit checking of the structured data file (FILE 1) for certificate filings submitted in accordance with the instructions and record formats for certificate applications issued June 8, 1989, revised August 31, 1989, and updated with this issuance. In addition, revised print software is also being made available at this time.

The programming language used for the software is ANSI 1974 Standard COBOL. The Users/Operations Manual for Certificate Applications Software, and the updated set of record formats, including revised instructions, is available in WordPerfect 4.2 and ASCII format. The PC version of the software modules can be run on an IMB-comptaible PC with at least 640K RAM and DOS 3.0 (or later version). The PC software is available on 3.5″ (1.44MB) or 5.25″ (1.2MB) double-sided, high density diskettes. The PC version of the certificate applications software consists of three separate packages for: data entry, edit check, and hardcopy print. Each module is available as a separate package. The PC edit-check and print software packages include test data. The PC source code, the Users/Operations Manual and the updated set of record formats, including revisions to the instructions are available in separate packages. The latest revisions and corrections to the instructions for the record formats for certificate filings are described in appendix A. Appendix B describes the directory of files for each package.

All software modules have been initially tested by staff. If problems occur relating to the PC version of the

software modules, the Commission staff encourages users to provide written comments as to the exact nature of the problem and submit them to Robert R. Czarick, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 6106, Washington, DC 20426. If any problems are encountered relating to the mainframe source code, the company is requested to submit a written description of the problem to Annette Raiford, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 6001, Washington, DC 20426.

The mainframe source code for the certificate edit-check and hard copy print modules is available on 9-track magnetic tape (1600 BPI or 6250 BPI) or 18-track cartridge (6250 BPI). There is no charge for the source code, however, all requests must be accompanied by a 9-track magnetic tape of 18-track tape cartridge with an external label affixed containing company name, mailing address, telephone number and a contact person. FERC will initialize the requestor's tape or cartridge, and copy the source code for edit-check and hard copy print modules to the tape/cartridge. Please specify either IBM or ANSI Standard labels. Requests for the mainframe source code should be directed to Annette Raiford, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 6001, Washington, DC 20426. Persons requesting the mainframe source code should fill out the attached Order Form for the Certificate Mainframe Source Code.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, eight data bits and one stop bit. The text of the notice will be available on CIPS for 30 days from the date of issuance.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice and the revised record formats during normal business hours in the Reference and Information Center (Room 3308) located at 941 North Capitol Street NE., Washington, DC 20426.

The PC software packages are available from the Commission's copy contractor, LaDorn Systems Corporation, located in Room 3308, 941 North Capitol Street NE., Washington, DC 20426. Persons requesting the PC software packages should fill out the attached Order Form For The PC Version Of The Certificate Software. The software is available without charge. However, the Commission's copy contractor has a copy fee of $6.00 per 3.5″ diskette and $5.00 per 5.25″ diskette. The certificate record formats and the User/Operations Manual are available in hard copy form at 20 cents per page.

Lois D. Cashell,

Secretary.

Appendix A—Corrections, Modifications and Additions to Instructions for Natural Gas Pipeline Company Certificate Filings Revised April 16, 1990

1. Page 3: III(g)—Typo, 385 changed to 388. Also, the words "data response" were added to IV. When To Submit. Further, a new number "VI. FOR INFORMATION CALL:" was added to General Information.

2. Page 5: General Instruction No. 3. Numeric Fields—This instruction was modified to reinforce the concept that the conventions included in this instruction must be adhered to when filing on electronic media. In addition, old instruction No. 21 is now included in instruction No. 3.

3. Page 6: General Instruction No. 4. Footnotes—The word "report" is changed to "filing."

4. Page 6: General Instruction No. 6. Character Data—This instruction has been modified to include the handling of privileged character data in the structured data records.

5. Page 7: General Instruction No. 7. Mile Post—This instruction has been modified to indicate that, although the field is a character field, numeric data and math symbols are the only acceptable data for entry.

6. Page 8: General Instruction No. 19. Source of Codes—(A) Pipeline Company ID has been added as Exhibit I to these instructions and includes codes derived from the DOE/EIA's Buyer Seller Code List.

7. Page 9: General Instruction No. 22. Records Required—This instruction was No. 23, and has been modified to explicitly instruct the applicant not to insert blank or zero-filled records in FILE 1 if the Schedule/Record is not required.

8. Pages 9 and 10: General Instruction Nos. 23 and 24 are renumbered from Nos. 24 and 25, respectively.

9. Page 10: A new general instruction number "25. Negative Volumes" has been added to indicate how potential negative volumes must be treated in Schedule/Records CA/04, 05, 06, and 07.

10. Page 13: Schedule/Record CA/01—A new NOTE 1B was added to Item 4, Type of Filing describing the procedure for filing a supplement or data response in a consolidated filing. The NOTE 1B is found on Page 15.

11. Page 17: Schedule/Record CA/02—NOTE 2; typo is corrected and now reads "19, 20 and 21." NOTE 3 is also modified to give some examples of how the name and location of a receipt and/or delivery point should be indicated.

12. Page 32: Schedule/Record CA/09—NOTE 9—This is a new note to describe how Items 109, 110, and 113 are to be treated depending on the code for Item 111.

13. Page 34: Schedule/Record CA/10—NOTE 10—This is a new note to describe how Items 129 and 130 are to be treated depending on the code for Item 131. This instruction is to be used in conjunction with NOTE 9 above.

14. Page 40: Exhibit A, 5.d)—The first sentence has been modified to reflect real life situations that applications are not always filed in the exact order of the regulation codes specified in Exhibit C of these instructions.

15. Page 40: Exhibit A, 5.f)—This paragraph has ben modified to indicate that the applicant must use the file name numbering system and file name extensions correctly.

16. Page 43: Exhibit B, 2.c) and 5.d)—These two paragraphs have been modified to be consistent with Exhibit A above.

17. Page 46: Exhibit C, Code 119—has been modified by deleting 157.14(a)(11) (xi), (xii), and (xiii).

18. Page 85: Exhibit G, Resource Report 4(b)—typo "(ii)" replaced by "(a)."

19. Page 94: Exhibit H, Hard Copy Filing Formats—Several typos have been corrected on the output formats and are reflected in the revised software issued with these instructions.

Appendix B—File Directory for the PC Version of the Certificate Software (Issued April 16, 1990)

Package A (data entry executable code)
Diskette A–1:
- ADISCTRL
- CDCA01 EXE
- CDCA02 EXE
- CDCA03 EXE
- CDCA04 EXE
- CDCA05 EXE
- CDCA06 EXE
- CDCA07 EXE
- CDCA08 EXE
- CDCA09 EXE
- CDCA10 EXE
- CDDRIVER EXE

Package B (edit-check executable code & test data)
Diskette B–1:
- CECA02 EXE
- CECA03 EXE
- CECA04 EXE
- CECA05 EXE
- CECA06 EXE
- CECA07 EXE
- CECA08 EXE
- CECA910 EXE

Diskette B–2:
- CEDRIVER EXE
- FILE 1 Test Data
- FILE 2 Test Data

Package C (hard copy executable code and test data)

Diskette C–1:
FILE 3 Test Data
FILE 2 Test Data
FILE 1 Test Data
CHCA01 EXE
CHCA02 EXE
CHCA03 EXE
CHCA0405 EXE
CHCA0607 EXE
CHCA08 EXE
CHCA09 EXE
CHCA0910 EXE
CHDRIVER EXE
Package D (users/operations manual and record formats)
Diskette D–1:
CUOM ASC Users/Operations Manual (ASCII)
CUOM V23 Users/Operations Manual (Wordperfect 4.2)
CERTFORM ASC Instructions & Record Formats (ASCII)
EXHBTH&I ASC Instructions & Hard Copy Print Formats (ASCII)
CERTFORM 190 Instructions & Hard Copy Print Formats (WP4.2)
EXHBTH&I 190 Instructions & Hard Copy Print Formats (WP4.2)
NOTICE Notice of Availability of CERT Software (WP4.2)
NOTICE ASC Notice of Availability of CERT Software (ASCII)
Package E (source code)
Diskette E–1:
AREACODE CPY Copy Members
COMPID CPY Copy Members
FACTKODE Copy Members
FOOTNOTE Copy Members
STCODE CPY Copy Members
PGFOOTER Copy Members
PRTCEDIT Copy Members
PRT–SET Copy Members
CDDRIVER COB Source Code for Data Entry
CDCA01 COB Source Code for Data Entry
CDCA02 COB Source Code for Data Entry
CDCA03 COB Source Code for Data Entry
CDCA04 COB Source Code for Data Entry
CDCA05 COB Source Code for Data Entry
CDCA06 COB Source Code for Data Entry
CDCA07 COB Source Code for Data Entry
CDCA08 COB Source Code for Data Entry
CDCA09 COB Source Code for Data Entry
CDCA10 COB Source Code for Data Entry
Diskettes E–2 & E–3: (source code for edit check)
Diskette E–2:
CECA02 CBL
CECA03 CBL
CECA04 CBL
CECA05 CBL
CEDRIVER COB
Diskette E–3:
CECA06 CBL
CECA07 CBL
CECA08 CBL
CECA0910 CBL
Diskette E–4: (source code for hardcopy)
CHCA01 CBL
CHCA02 CBL
CHCA03 CBL
CHCA0405 CBL
CHCA0607 CBL
CHCA08 CBL
CHCA09 CBL
CHCA0910 CBL
CHDRIVER COB

BILLING CODE 6717-01-M

Docket No. RM87-17-000 -12-

ORDER FORM FOR THE PC VERSION OF THE CERTIFICATE SOFTWARE
USE THIS FORM TO ORDER COPIES OF THE PC VERSION OF THE SOFTWARE PACKAGES RELATING TO CERTIFICATE FILINGS. (issued April 16, 1990)

Mail to: LaDorn Systems Corporation
Federal Energy Regulatory Commission
941 North Capitol Street, N.E. -Room 3308
Washington, D.C. 20426
(202) 898-1151

Company Official _____
Company Name _____
Address _____
_____

Phone Number ( ) _____

Type of Diskette: __ 3.5" ($6.00/diskette)
__ 5.25" ($5.00/diskette)

Package (check)	Description	Copy Fee
__ Package A	Data Entry Executable Code (PC version) for Certificate Filings. 1 Diskette x Copy Fee =	____
__ Package B	Edit-Check Executable Code (PC version) for Certificate Filings. 2 Diskettes x Copy Fee =	____
__ Package C	Printing Executable Code (PC version), Certificate Record Formats. 1 Diskette x Copy Fee =	____
__ Package D	Certificate Record Formats (ASCII and WordPerfect 4.2), and Users/Operations Manual (ASCII and WordPerfect 4.2). 1 Diskette x Copy Fee =	____
__ Package E	Source Code (PC version) for Certificate Data Entry, Edit-Check, and Hard Copy Print Modules 4 Diskettes x Copy Fee =	____
	**Postage & Handling	____
	TOTAL COPY FEE	____

** Call LaDorn Systems Corporation at (202) 898-1151.
Make check payable to LaDorn Systems Corporation.

ORDER FORM FOR THE CERTIFICATE MAINFRAME SOURCE CODE

USE THIS FORM TO ORDER COPIES OF THE MAINFRAME VERSION OF THE EDIT-CHECK AND HARD COPY PRINT MODULES. (issued April 16, 1990)

Mail to: Annette Raiford
Room 6001
Federal Energy Regulatory Commission
825 North Capital Street, N.E.
Washington, D.C. 20426
(202) 208-2153

Company Official _____
Company Name _____
Address _____
_____
_____
Phone Number _____

All requests must be accompanied by a 9-track tape or 18-track tape cartridge with an external label affixed identifying the company name, address, telephone number and a contact person. Check off the appropriate items as follows:

9-track tape: __ 1600 BPI or __ 6250 BPI

18-track tape: __

ANSI __ or IBM __ Standard labels

[FR Doc. 90-9274 Filed 4-20-90; 8:45 am]
BILLING CODE 6717-01-C

[Docket Nos. CP62-205-001, *et al.*]

Washington Gas Light Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Washington Gas Light Company

[Docket No. CP62-205-001]

April 11, 1990.

Take notice that on April 9, 1990, Washington Gas Light Company (WGL), 1100 H Street NW., Washington, DC 20080, filed in Docket No. CP62-205-001, a petition to amend its service area determination, made in Docket No. CP62-205 pursuant to section 7(f) of the Natural Gas Act, by enlarging WGL's existing service area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

WGL states that the existing area which it is authorized to serve includes the District of Columbia; Montgomery, Prince George's and Charles Counties in Maryland; and Arlington, Fairfax, Loudoun and Prince William Counties in Virginia.

WGL proposes to enlarge the service area to include Calvert County, Maryland, and St. Mary's County, Maryland. WGL explains that since no natural gas service is currently being provided in these counties, distribution service by WGL would provide residential, commercial, and industrial concerns with a clean, safe and economical energy alternative. WGL states that it would make no sales for resale in the area proposed to be added. WGL further states that its rates, services and facilities in Maryland are and would be regulated by the Maryland Public Service Commission.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Equitrans, Inc., El Paso Natural Gas Company, Colorado Interstate Gas Company

Docket Nos. CP90-1054-000, CP90-1164-000, CP90-1166-000]

April 11, 1990.

Take notice that the above referenced companies (Applicants) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by the Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Docket number (date filed)	Applicant	Shipper name	Peak day [2] average day, annual	Receipt points	Delivery points	Start up date, rate schedule, service type	Related dockets,[3] contract date
CP90-1054-000 (4-9-90) [4]	Equitrans, Inc., 4955 Steubenville Pike, Pittsburgh, PA 15205.	Phonenix Diversified Ventures, Inc.	10,000 1,500 360,000	WV	PA, WV	11-2-89, ITS Interruptible.	CP86-553-000 ST90-2243-000, 12-18-89.
CP90-1164-000 (4-9-90)	El Paso Natural Gas Company, P.O. Box 1492, El Paso, TX 79978.	Shell Gas Trading Company (broker).	154,500,[5] 77,250, 28,196,250	Any System Point	AZ, CO, NM, OK, TX.	2-25-90, T-1, Interruptible.	CP88-433-000, ST90-2309-000, 10-3-89.
CP90-1166-000 (4-9-90)	Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, CO 80944.	Anadarko Trading Corporatioin (marketer).	25,000 10,000 3,650,000	KS, OK	KS	3-21-90, TI-1, Interruptible.	CP86-589-000, ST90-2455-000, 1-1-90.

[2] Quantities are shown in Mcf unless otherwise stated.
[3] The CP docket corresponds to the blanket transportation certificate. Applicant states that 120-day transportation service was reported in the ST docket.
[4] The request under blanket authorization was tendered for filing March 30, 1990. However, the required fee (18 CFR 381.207) was not paid until April 9, 1990. Section 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.
[5] El Paso's quantities are shown in MMBtu.

3. Great Lakes Gas Transmission Company

[Docket No. CP88-542-004, et al.]

April 12, 1990.

Take notice that on April 2, 1990, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP88-542-004, a petition to amend the order issued in Docket No. CP88-542-000 pursuant to Section 7(c) of the Natural Gas Act, to authorize an assignment of the previously-authorized transportation arrangement between Great Lakes and POCO Petroleums Ltd. (POCO), from POCO to the Midland Cogeneration Venture Limited Partnership (MCV), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Great Lakes states that in the July 28, 1989, order issued in Docket No. CP88-542-000, the Commission issued a certificate of public convenience and necessity authorizing Great Lakes to transport 55,000 Mcf per day and 25,000 Mcf per day for the accounts of MCV and POCO, respectively. It is further stated that the subject volumes would be received by Great Lakes at a point on the international border near Emerson, Manitoba (Emerson Interconnection), where the facilities of Great Lakes interconnect with those of TransCanada

[1] These prior notice requests are not consolidated.

PipeLines Limited. Great Lakes indicates that it would transport and deliver the subject volumes to Michigan Gas Storage Company (Michigan Gas) for the respective accounts of MCV and POCO, at a point of interconnection between the facilities of Great Lakes and Michigan Gas being constructed in Chippewa Township, Isabella County, Michigan (Chippewa Delivery Point). Michigan Gas would transport the subject gas to its interconnection with the facilities of the MCV Project, it is stated.

Great Lakes states that MCV and POCO have requested that Great Lakes consent to and implement a "total assignment" of the Transportation Service Agreement between POCO and Great Lakes, dated May 25, 1988 (POCO Agreement) from POCO to MCV. Great Lakes further states that MCV and Great Lakes have entered into a Letter Agreement, dated March 13, 1990, which reflects the parties' agreement to seek regulatory authority for assignment of the POCO Agreement from POCO to MCV. It is indicated that administratively, to implement the assignment, the Letter Agreement provides that the contract quantity under the Transportation Service Agreement between Great Lakes and MCV, dated May 25, 1988, would be increased by 25,000 Mcf per day, and simultaneously, the POCO Agreement would be terminated. Great Lakes states that the total firm contract quantity of 80,000 Mcf per day, to be received by Great Lakes at the Emerson Interconnection and transported to the Chippewa Delivery Point, for use in the MCV Project, remains unchanged. Great Lakes indicates that the assignment would provide MCV with increased flexibility in meeting the gas supply needs of the MCV Project.

Comment date: May 3, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Equitrans, Inc., Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90–1074–000,[2] CP90–1076–000, CP90–1077–000, CP90–1078–000]

April 12, 1990.

Take notice that on March 30, 1990, (Applicants) filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under Section 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper name	Peak day[1] average annual	Points of		Startup date, rate schedule	Related[2] dockets
				Receipt	Delivery		
CP90–1974–000 (3–30–90)	Equitrans, Inc. 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205.	Apollo Gas Company.	5,880 Mcf 764Mcf 139,430 Mcf	PA	PA	1–1–90, ITs	CP86–553–000, ST90–2293–000.
CP90–1076–000 (3–30–90)	Northern Natural Gas Company, 1400 Smith St., P.O. Box 1188, Houston, Texas 77251–1188.	Oxy USA Inc	20,000 15,000 7,300,000	Off TX	TX	2–26–90, FT–1	CP86–435–000, ST90–2232–000.
CP90–1077–000 (3–90–90)	Northern Natural Gas Company, 1400 Smith St., P.O. Box 1188, Houston, Texas 77251–1188.	Mobile Natural Gas, Inc.	100,000 75,000 36,500,000	OK, TX, KS, NM, WI, IA, Off LA.	KS, IA, TX	2–9–90, IT–1	CP86–435–000, ST90–2175–000.
CP90–1078–000 (3–30–90)	Northern Natural Gas Company, 1400 Smith St., P.O. box 1188, Houston, Texas 77251–1188.	Oxy USA Inc	17,000 12,750 6,205,000	Off TX	TX	3–1–90, FT–1	CP86–435–000, ST90–2233–000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

5. Arkla Energy Resources a division of Arkla, Inc. Northwest Pipeline Corporation

[Docket No. CP90–1151–000, CP90–1152–000, CP90–1153–000]

April 12, 1990.

Take notice that Arkla Energy Resources, a division of Arkla, Inc., 525 Milam Street, Shreveport, Louisiana 71151, and Northwest Pipeline Corporation, 295 Chipeta Way, Salt Lake City, Utah 84108, (Applicants) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of various shippers under blanket certificates issued at Docket Nos. CP88–820–000 and CP86–578–000 respectively, pursuant to section 7 of the NGA, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by the Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No.	Shipper	Volumes-MMBtu (peak, average annual)	ST docket start up date	Receipt points (state)	Delivery points (state)	Rate schedule
CP90–1151–000	Premier Gas Co	60,000 60,000 17,520,000	ST90–1968, 2–1–90	Various	Various	IT-Partial.
CP90–1152–000	Schalk Development Company.	1,250 400 150,000	ST90–2381, 3–9–90	Various	Various	TI–1.
CP90–1153–000	Gas Ventures Inc. of Colorado.	5,000 5,000 1,825,000	ST90–2382, 3–10–90	Various	Various	TF–1.

6. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89–522–001]

April 13, 1990.

Take notice that on April 9, 1990, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP89–522–001 an amendment pursuant to section 7(c) of the Natural Gas Act (NGA), for Certificate of Public Convenience and Necessity, to its previously filed application on December 30, 1988, requesting authorization (1) to construct and operate certain pipeline and related facilities, and (2) to transport natural gas through such facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Transco states that this Amendment is being filed to address environmental circumstances that arose subsequent to the filing of its original Application and to request expedited authorization to construct approximately 17 miles of its proposed pipeline.

Transco proposes, to construct (1) 27.60 miles of 30-inch diameter pipeline extending from the vicinity of an onshore gas treatment facility to be constructed and operated by Shell Offshore, Inc. (Shell) in Mobile County, Alabama (Shell Plant), to a junction platform to be constructed by Transco in Block 955, Mobile Area and (2) 49.66 miles of 24-inch diameter pipeline from the junction platform to be constructed in Block 955, Mobile Area, to a metering and regulating station to be constructed on Shell's production platform in Block 252, Main Pass Area East Addition. More specifically, Transco proposes to construct and operate the pipeline facilities in the manner described below.

Phase I–1990 Construction Season

During Phase I, Transco proposes to construct 16.68 miles of 30-inch diameter pipeline from a location immediately east of the Shell Plant to Block 113, Mobile Area (Phase I Facilities). Transco requests that authorization to construct the Phase I facilities be granted not later than June 15, 1990. Transco does not propose to operate the Phase I Facilities unless and until authority is provided to construct and operate the entire 77.26 miles of pipeline and related facilities that are the subject of this amendment.

Phase II–1991 Construction Season

During Phase II, Transco proposes to construct the following facilities:

(1) 0.5 mile of 30-inch diameter pipeline interconnecting the Phase I Facilities with a 2.5 mile pipeline to be constructed between Transco's existing pipeline at Coden, Alabama and the Shell Plant.

(2) 10.42 miles of 30-inch diameter pipeline from an interconnection to be built with Phase I facilities in Block 113, Mobile Area to a junction platform to be built by Transco in Block 955, Mobile area.

(3) 49.66 miles of 24-inch diameter pipeline from the junction platform to be constructed by Transco in Block 955, Mobile Area, to a metering and regulating station to be built by Transco on Shell's production platform in Block 252, Main Pass Area East Addition. It is anticipated that Shell and/or other producers will construct gathering lines to bring gas to Shell's production platform.

In May 1990, Transco and a partnership that will be formed between subsidiaries of Transco Energy Company and Mobile Oil, Inc., will file an Amendment to Transco's application in Docket No. CP89–523–000, which will include a proposal to construct 2.5 miles of 30-inch diameter pipeline from the tailgate of Shell's gas treatment plant to an interconnection with the existing

[3] These prior notice requests are not consolidated.

123.4-mile pipeline at Coden, Alabama (Mobile Bay Lateral).

Transco proposes to construct these Phase II facilities during the 1991 construction season.

Transco states that the design capability of the facilities under the pressure conditions shown in Exhibit G, is 431 MMcf per day and that the maximum capability of the facilities under the pressure conditions shown in Exhibit G–1 is 493,810 Mcf per day. Transco states that the estimated facilities cost of Phase I is $16,437,280; Phase II is $55,426,000, for a total project cost of $71,863,280.

Transco further states that it would transport gas for others through the subject facilities and is willing to transport for all shippers requesting service in accordance with Transco's FERC Gas Tariff. Transco would render such transportation services pursuant to its existing Rate Schedules IT (interruptible service) and FT (firm service). The firm and interruptible capacity on these facilities initially would be allocated to Shippers during a 21-day Open Season period in accordance with Transco's FERC Gas Tariff. Shippers would be required to execute FT or IT service agreements, in the forms contained in Transco's currently effective FERC Gas Tariff, and such service agreements would apply specifically to transportation services on this offshore pipeline. Shippers executing such agreements would pay the applicable rates for firm or interruptible transportation within Zone 3 as those rates are determined pursuant to Transco's tariff filing in Docket No. RP90–8. Such charges shall be in addition to charges for transportation services provided on Transco's pipeline facilities currently in service.[4] Transco states that customers obtaining firm transportation rights would execute such agreements for point-to-point transportation, and any remaining unallocated capacity would be available for interruptible transportation including the use of such capacity in connection with IT-Feeder rights as are provided on the remainder of Transco's system.

Transco states that from an environmental standpoint, this proposal contains three distinct advantages: (1) Rather than crossing Dauphin Island, as originally proposed by Transco, the first 17.18 miles of the proposed pipeline would have no environmental impact on either the oyster beds located near Dauphin Island or any barrier islands; (2) the proposed pipeline would be constructed in the same corridor with other pipelines that may be constructed in the Mobile Bay area thereby lessening the geographic area affected by pipeline construction; and (3) if the Commission authorizes Transco to construct the Phase I Facilities on the expedited basis requested herein, Shell as noted above, would cause the pipeline for Transco to be constructed at the same time it constructs its own gathering facilities, and Shell would cause the offshore portion of Transco's pipeline to be laid in the same trench being excavated for the construction of Shell's gathering lines. Transco believes that the net environmental impact attendant to the construction of the Phase I Facilities would be insignificant.

Transco states that it recognizes that the Commisison may be reluctant to issue certificates authority to construct the Phase I Facilities prior to its consideration of the project as a whole. Consequently, to address any such concern, and because of the substantial advantages to be gained by constructing the Phase I Facilities as proposed herein, Transco states that it is willing to risk for the recovery of its construction costs in the event that the Commission does not issue a certificate for Transco to construct the Phase II Facilities needed to make the Phase I Facilities operational. Transco submits that the Commission should authorize construction of the Phase I Facilities not later than June 15, 1990.

Comment date: May 4, 1990, in accordance with Standard Paragraph F at the end of this notice.

7. ANR Pipeline Company, ANR Pipeline Company, Colorado Interstate Gas Company, Southern Natural Gas Company

[Docket No. CP90–1155–000, CP90–1156–000, CP90–1157–000, CP90–1158–000, CP90–1159–000, CP90–1160–000, CP90–1161–000]

April 13, 1990.

Take notice that the above referenced companies (Applicants) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under Section 284.223 of the Commission's Regulations, has been provided by the Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of		Startup date, rate schedule	Related[2] dockets
				Receipt	Delivery		
CP90–1155–000, 4/6/90	ANR Pipeline Company, 500 Rennaissance Center, Detroit, MI 48243.	Amron	5,000 5,000 1,825,000	KS, TX, LA, OK, Off TX, Off LA.	WI	ITS (Interruptible) 2/8/90.	ST90–2181–000, CP88–532–000.
CP90–1156–000, 4/6/90	ANR Pipeline Company, 500 Rennaissance Center, Detroit, MI 48243.	Ladish	10,000 10,000 5,650,000	KS, TX, LA, OK, Off TX, Off LA.	WI	ITS (Interruptible) 2/8/90.	ST90–2183–000, CP88–532–000.

[4] Because the pipeline facilities proposed herein were not in existence at the time of Transco's filing in Docket No. RP90–8, Transco did not contemplate that this pipeline would be included in any particular zone described by that filing. As part of a settlement or an NGA section 4 filing, Transco will propose that the rate applicable to these facilities be equivalent to the rate applicable to Transco's Rate Zone 3 facilities.

[5] These prior notice requests are not considered.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of		Startup date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP90-1157-000, 4/6/90	Colorado Inter-state Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944.	North Central Oil Corporation.	25,000 10,000 3,650,000	WY	KS	IT-1 (Interruptible) 3/1/90.	ST-90-2372-000, CP86-589-000.
CP90-1158-000, 4/6/90	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2503.	Diamond Shamrock.	120,000 80,000 29,200,000	Off TX, Off LA, TX, LA, MS, AL.	GA	IT (Interruptible) 2/6/90.	ST90-1871-000, CP88-316-000.
CP90-1159-000, 4/6/90	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2503.	Texarkoma	2,500 2,000 730,000	Off TX, Off LA, TX, LA, MS, AL, GA.	GA	IT (Interruptible) 2/7/90.	ST90-2110-000, CP88-316-000.
CP90-1160-000, 4/6/90	Algonquin Gas Transmission Company, 1284 Soldiers Field Road, Boston, MA 02135.	Texas-Ohio	15,000 15,000 5,475,000	NJ, MA, CT, NY	MA	AIT-1 (Interruptible) 2/13/90.	ST90-2271-000, CP89-948-000.
CP90-1161-000, 4/6/90	Algonquin Gas Transmission Company, 1284 Soldiers Field Road, Boston, MA 02135.	Entrade Corporation.	40,000 40,000 14,600,000	NJ, MA	MA, NJ	AIT-1 (Interruptible) 2/6/90.	ST90-2200-000, CP89-948-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

8. Northern Natural Gas Company Division of Enron Corp. and K N Energy, Inc.

[Docket No. CP90-1097-000]

April 13, 1990.

Take notice that on April 2, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77002 and K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed jointly in Docket No. CP90-1097-000 an application, as supplemented April 10, 1990, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas between Northern and K N, pursuant to a Gas Exchange Agreement dated October 11, 1989 (1989 Agreement), between Northern and K N. Northern and K N also request authority to eliminate any current imbalance under a Gas Exchange Agreement dated July 15, 1954 (1954 Agreement) by carrying such imbalances forward under the 1989 Agreement and off-setting them through the delivery of gas volumes within a reasonable period of time after the certificate authority is granted. In addition, Northern and K N request authority to add and delete wells or other delivery and balancing points as required from time to time, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern and K N state that they are parties to the 1989 Agreement which provides for the gathering, delivery and exchange of natural gas in the Kansas and Oklahoma portions of the Hugoton Field. It is further stated that the 1989 Agreement would consolidate and replace the 1954 Agreement which was entered into between the parties in an effort to maximize utilization of gathering facilities and in order to avoid the unnecessary and expensive duplication of facilities. It is indicated that natural gas produced in the Hugoton Field and sold to Northern is delivered into K N's system at the K N receipt points while natural gas produced in the Hugoton Field and sold to K N is delivered into Northern's system at the Northern receipt points. It is further stated that the 1954 Agreement has over sixty-two amendments, and, therefore, has become overly burdensome to administer. Accordingly, Northern and K N state that they have consolidated all of the amendments into the 1989 Agreement.

Northern and K N state that the 1989 Agreement provides that thermally equivalent volumes of natural gas, on a Btu basis, would be exchanged and that the benefits derived from this exchange would be substantially equal and mutually beneficial. Therefore, it is stated, no transportation fees would be charged to either party by the other.

Northern and K N state that it has become physically impossible to stay in zero balance on their respective systems in the Kansas and Oklahoma portions of the Hugoton Field and accordingly, have agreed to utilize existing interconnections (Balancing Points) between their facilities in Kearny County, Kansas and Seward County, Kansas for balancing purposes. It is stated that in the past, exchanges pursuant to the 1954 Agreement have taken place only within the field gathering systems. Northern and K N indicate that utilization of the Balancing Points in Kansas, however, would involve jurisdictional transportation and exchange requiring Commission certification.

Comment date: May 4, 1990, in accordance with Standard Paragraph F at the end of this notice.

9. ANR Pipeline Company

[Docket No. CP90-1165-000]

April 13, 1990.

Take notice that on April 9, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP90-1165-000, a request pursuant to section 7(b) of the Natural Gas Act, for an order permitting and authorizing it to abandon an emergency exchange service it was authorized to provide for Consumers Power Company (Consumers), all as more fully set forth in the application o.

file with the Commission and open to public inspection.

It is stated that the emergency exchange service and the construction and operation of the Allegan County, Michigan, interconnection were authorized solely for emergency purposes. It is stated that the exchange agreement provides for either party to deliver up to 125,000 Mcf of natural gas per day to the other at the interconnection, but within a period of 60 days thereafter, the receiving party is required to redeliver thermally equivalent volumes to the deliverer at the same interconnection point. ANR states that the facilities were never used to perform any emergency exchanges. It is further stated that by letter dated March 20, 1990, ANR and Consumers have agreed that the emergency exchange service originally authorized, in Docket No. CP84–94–000, by order issued July 25, 1984, is no longer required by either party. ANR states that the service proposed would not have a significant impact on its mainline operations. ANR would cancel Rate Schedule X–145, which is currently included in Original Volume No. 2 of its FERC Gas Tariff, upon issuance of an order permitting and approving abandonment, it is stated. It is also stated that ANR and Consumers have recently completed a new interconnection in St. Joseph County, Michigan.

ANR states that it is currently evaluating its future utilization of the subject facilities. Although it does not intend physically to abandon them in place, ANR states that it would obtain all necessary regulatory authorizations before reactivating the interconnection.

Comment date: May 4, 1990, in accordance with Standard Paragraph F at the end of this notice.

10. Columbia Gas Transmission Corporation

[Docket No. CP90–1171–000]

April 13, 1990.

Take notice that on April 10, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–1171–000 a request pursuant to section 157.205 of the Commission's Regulations (18 CFR 157.205) to construct and operate facilities for 9 additional delivery points for existing wholesale customers, to establish 2 new delivery points to replace an existing delivery point, and to abandon 3 delivery points for mainline taps, all under Columbia's blanket certificate issued in Docket No. CP83–76–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate interconnecting facilities in order to make deliveries of the volumes of gas to the existing wholesale customers as detailed below:

Customer	Number of delivery points	Volume (dt equivalent) peak day
Annual		
Columbia Gas of Kentucky, Inc., 150	1	1.5
Columbia Gas of Ohio, Inc., 53,005	5	334
Columbia Gas of Pennsylvania, Inc., 3,100	2	100
Dayton Power & Light Company, 23,725	1	65
Orwell Natural Gas Company, 730,000	1	2,000
Washington Gas Light Company, 220	1	1.5

Columbia states that the proposed deliveries would be within all customers' currently authorized daily and annual entitlements and would have no impact on peak day and annual deliveries to the existing customers. It is stated that the gas would be used for residential, commercial and industrial service. It is further stated that the sales at the proposed delivery points would be made under Columbia's Rate Schedule CDS.

Columbia also proposes to abandon three delivery points to existing wholesale customers on Columbia's mainline in Pennsylvania. It is stated that the customers would continue to receive gas through replacement facilities and that no customers would lose service as a result of the proposed abandonment.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

11. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90–1177–000]

April 13, 1990.

Take notice that on April 10, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77251–1188, filed in Docket No. CP90–1177–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas on behalf of Enron Gas Marketing Inc. (Enron), a marketer of natural gas, under Northern's blanket certificate issued in Docket No. CP86–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to transport on a firm basis up to 12,500 MMBtu of natural gas on a peak day, 9,375 MMBtu on an average day, and 4,562,500 MMBtu on an annual basis for Enron. Northern states that it would perform the firm transportation service for Enron under Northern's Rate Schedule FT–1. According to the service agreement included in the application, Northern agrees to receive and transport gas in excess of the transportation demand quantity set forth above on an interruptible basis subject to the terms and conditions of Northern's Rate Schedule IT–1. Northern indicates that it would receive the gas at a point located in Beaver County, Oklahoma and then would deliver the gas to a point located in Hockley County, Texas.

It is explained that the service commenced March 1, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–2314. Northern indicates that no new facilities would be necessary to provide the subject service.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. Mississippi River Transmission Corporation

[Docket Nos. CP90–1172–000, CP90–1173–000, CP90–1174–000, CP90–1175–000, CP90–1176–000]

April 13, 1990.

Take notice that on April 10, 1990, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificate issued in Docket No. CP89–1121–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[6]

[6] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name	Peak day [2] avg., annual	Points of		Start up date rate schedule	Related [3] dockets
			Receipt	Delivery		
CP90-1172-000 (4-10-90)	PPG Industries, Inc	1,350 1,350 492,750	TX, LA, AR, IL	MO	2-10-90, FTS	ST90-2157-000.
CP90-1173-000 (4-10-90)	Coastal Gas Marketing Company.	600,000 600,000 219,000,000	LA, AR, IL, TX	IL, MO	2-05-90, ITS	ST90-2184-000.
CP90-1174-000 (4-10-90)	LaRoche Industries	1,500 501 183,000	LA, AR, IL, TX	MO	2-08-90, ITS	ST90-2187-000.
CP90-1175-000 (4-10-90)	General Chemical Corporation.	309 247 90,000	LA, AR, IL, TX	IL	2-08-90, FTS	ST90-2185-000.
CP90-1176-000 (4-10-90)	Total Minatome Corporation.	20,000 2,000 730,000	LA, AR, IL, TX	AR, LA, TX, OK, IL, MO	2-09-90, ITS	ST90-2186-000.

[2] Quantities are shown in MMBtu unless otherwise indicated.
[3] If an ST docket is shown, 120-day transportation service was reported in it.

13. Equitrans. Inc.

[Docket No. CP90-1189-000]

April 13, 1990.

Take notice that on April 13, 1990, Equitrans, Inc. (Equitrans), 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205, filed in Docket No. CP90-1189-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Catamount Natural Gas, Inc. (Catamount) under its blanket authorization issued in Docket No. CP86-553-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans would perform the proposed interruptible transportation service for Catamount, pursuant to a transportation service agreement applicable to interruptible transportation service under rate schedule ITS dated December 13, 1989 (Contract #ITS-75). It is stated that the term of the transportation agreement became effective as of December 13, 1989, and shall remain in effect for one year and then month-to-month thereafter. Equitrans proposes to transport on a peak day up to 48,543 Mcf; on an average day up to 4,530 Mcf; and on an annual basis 135,900 Mcf for Catamount. Equitrans proposes to receive the subject gas at the following existing receipt points: (1) interconnection with Tennessee Gas Pipeline (TGP) at TGP's Measuring Station No 20078 and Equitrans' Bradford Woods Measuring Station located in Allegheny County, Pennsylvania, (2) interconnection with Columbia Gas Transmission Corporation (Columbia) at Equitrans' Rhinehart Measuring Station located in Waynesburg, Greene County, Pennsylvania; and (3) interconnection with Columbia at Equitrans' Fallen Timber connection in Grant District, Wetzel County, West Virginia. Equitrans will transport the subject volumes for Catamount to the following delivery points: (1) interconnection with Texas Eastern Corporation (TETCO) at TETCO's Measuring Station No. 009 and Equitrans' Crayne Farm Measuring Station, located in Greene County, Pennsylvania and (2) interconnection with Equitrans and Consolidated Gas Transmission (Consolidated) at Equitrans' Pratt Compressing Station, Franklin Township, Greene County, Pennsylvania. It is stated that Catamount shall pay Equitrans for service rendered under the December 13, 1989, transportation service agreement in accordance with Equitrans' Rate Schedule ITS, or superseding rate schedule(s) on file with and subject to the jurisdiction of the Commission and lawfully in effect from time to time. It is alleged that no new or non-jurisdictional facilities were constructed in order to provide the proposed transportation service for Catamount. It is further alleged that the volumes involved in this proposal were received by TETCO and Consolidated on behalf of Catamount.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Equitrans commenced such self-implementing service on February 2, 1990, as reported in Docket No. ST90-1293-000.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. Mississippi River Transmission Corporation

[Docket Nos. CP90-1181-000, CP90-1182-000, CP90-1183-000, CP90-1184-000, CP90-1185-000, CP90-1186-000, CP90-1187-000]

April 13, 1990.

Take notice that Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, Missouri 63124, (Applicant), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP89-1121-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with

the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the apropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under Section 284.223 of the Commission's regulations, has been provided by Applicant and is summarized in the attacked appendix.

Applicant states that each of the proposed services would be provided under and executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name (type)	Peak day [2] average day annual	Receipt points	Delivery points	Start up date rate schedule service type	Related [3] docket contract date
CP90-1181-000 (4-11-90)	Sun Operating Limited Partnership [4] (producer).	53,750 53,750 19,618,750	LA, TX, IL, AR	MO, TX, LA, AR, IL	2-13-90, ITS Interruptible.	ST90-2220-000, 12-11-89.
CP90-1182-000 (4-11-90)	Koch Hydrocarbon Company (marketer)	300,000 300,000 110,100,000	LA, TX, IL, AR	IL, MO, TX, AR, LA	2-11-90, ITS Interruptible.	ST90-2226-000, 1-3-90.
CP90-1183-000 (4-11-90)	Catamount Natural Gas (marketer).	100,000 100,000 37,000,000	LA, TX, IL, AR	IL, MO, OK, AR, LA	2-11-90, ITS Interruptible.	ST90-2221-000, 12-29-89.
CP90-1184-000 (4-11-90)	TXG Gas Marketing Company (marketer).	30,000 30,000 10,950,000	LA, TX, IL, AR	MO	2-16-90, ITS Interruptible.	ST90-2219-000, 1-3-90.
CP90-1185-000 (4-11-90)	Clinton Gas Transmission, Inc. (marketer).	50,000 49,315 18,000,000	LA, TX, IL, AR	IL, MO	2-22-90, ITS Interruptible.	ST90-2225-000, 1-18-90.
CP90-1186-000 (4-11-90)	EnTrade Corporation (marketer).	200,000 200,000 73,000,000	LA, TX, AR, IL, OK	MO, OK, IL, LA, TX, AR	2-21-90, ITS Interruptible.	ST90-2224-000, 1-23-90.
CP90-1187-000 (4-11-90)	GAF Chemical Corporation (end user).	10,000 1,000 365,000	LA, TX, IL, AR	LA, MO	2-17-90, ITS Interruptible.	ST90-2223-000, 2-5-90.

[2] Quantities are shown in MMBtu.
[3] Applicant states that 120-day service was reported in the ST docket.
[4] By Oryx Energy Company, its managing general partner.
[5] Quantities are shown in MMBtu.
[6] Applicant states that 120-day service was reported in the ST docket.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-9374 Filed 4-23-90; 8:45 am]

BILLING CODE 6717-01-M

[1] These prior notice requests are not consolidated.

[Docket No. TM90-10-20-000, TM90-7-20-002; and TM90-8-20-001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

April 16, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on April 9, 1990, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be Effective November 1, 1989

Second Substitute Twenty-third Revised Sheet No. 211
Second Substitute Nineteenth Revised Sheet No. 214

Proposed to be Effective December 1, 1989

Substitute First Revised Substitute Twenty-third Revised Sheet No. 211
Second Substitute First Revised Nineteenth Revised Sheet No. 214

Proposed to be Effective January 1, 1990

Substitute Second Revised Substitute Twenty-third Revised Sheet No. 211
Substitute Second Revised Nineteenth Revised Sheet No. 214

Proposed to be Effective February 1, 1990

Substitute Third Revised Substitute Twenty-third Revised Sheet No. 211
Substitute Third Revised Nineteenth Revised Sheet No. 214

Algonquin states that those above-named sheets are being filed to concurrently track the rate changes contained in Texas Eastern Corporation's March 15, 1990 filing in Docket No. TA90–6–17–000.

Algonquin notes that copies of this filing were served upon each of the affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 23, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9271 Filed 4–20–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–433–002]

Texaco Gas Marketing Inc.; Application To Amend a Blanket Certificate With Pregranted Abandonment

April 17, 1990.

Take notice that on April 9, 1990, Texaco Gas Marketing Inc., (TGMI) of 1111 Rusk Avenue, room 1301–N, Houston, Texas 77002, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket unlimited-term certificate with pregranted abandonment previously issued by the Commission in Docket No. CI87–433–001 to authorize sales for resale of imported gas and gas sold to TGMI by an interstate pipeline as surplus system supply, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1990, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for TGMI to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9378 Filed 4–23–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ90–3–29–001]

Transcontinental Gas Pipe Line Corp.; Supplemental Filing

April 16, 1990.

Take notice that Transcontinental Gas Pipeline Corporation (Transco) tendered for filing on April 10, 1990, Schedule D1 as a supplement to its March 30, 1990 quarterly PGA filing in Docket No. TQ90–3–29–000 proposed to be effective May 1, 1990. Such schedule provides supporting detail for Transco's projected system-wide average cost of gas of 229.4¢/dt reflected in March 30 filing. Such rate is proposed to be effective for the quarterly period May 1, 1990 through July 1, 1990. Transco requests a waiver of § 22.4 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 and § 154.308 (a) and (c) of the Federal Energy Regulatory Commission's (Commission) regulations in order to calculate the commodity Current Gas Cost Adjustment to its PGA affected rate schedules in the manner reflected in the March 30 filing.

Transco further states that it has filed Schedule D1 in the format required by FERC Form 542. Transco is also filing a 9-track magnetic tape containing Schedule D1.

Transco states that copies of the filing are being mailed to customers, State Commissions and other interested parties to Docket No. TQ90–3–29. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filling are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard, Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989). All such protests should be filed on or before April 23, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filling are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9272 Filed 3–420–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI89–477–000]

Trans Marketing Houston, Inc.; Supplement to an Application for a Blanket Certificate With Pregranted Abandonment

April 17, 1990.

Take notice that on April 6, 1990, Trans Marketing Houston, Inc. (TMHI) of 5200 Republican Center, 700 Louisiana Street, Houston, Texas 77002, filed a supplement to its pending application filed July 6, 1989, in Docket

No. CI89–455–000 pursuant to Sections 4 and 7 of the Natural Gas and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited term blanket certificate with pregranted abandonment. TMHI indicates that it is supplementing its application to clarify that it is seeking authorization to resell natural gas subject to the Commission's jurisdiction including imported gas and gas purchased under pipeline discount sales programs, all as more set forth in the supplement to the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should or or before May 7, 1990, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for TMHI to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9379 Filed 4–23–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI90–81–000]

Western Gas Processors, Ltd. (Successor-in-interest to MGPC, Inc.); Application To Abandon an Exchange

April 17, 1990.

Take notice that on March 29, 1990, Western Gas Processors, Ltd., successor-in-interest to MGPC, Inc., (Western) of 12200 North Pecos Street, Suite 230, Denver, Colorado 80234, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to terminate its certificate in Docket No. CI85–649–000 and cancel the related FERC Gas Rate Schedule No. 1 which cover an exchange between Western and MIGC, Inc. in the Powder River Basin, Campbell County, Wyoming. Western states that the parties have terminated their transportation and exchange agreement by mutual consent, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1990, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Western to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9380 Filed 4–23–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP88–22–001]

Woods Petroleum Corp.; Petition for Reconsideration or Alternatively Petition for Adjustment and Request for Stay

April 16, 1990.

On March 26, 1990, Woods Petroleum Corporation (Woods) filed a petition requesting the Commission to vacate the order issued December 11, 1989 (49 FERC ¶ 61,315 (1989)) in the above-docketed proceeding and to accept the Oklahoma Corporation Commission's (Oklahoma) November 8, 1988 retroactive determination that gas produced from the Dewees-Lacy No. 27–1 well, located in Custer County, Oklahoma, qualified for the Natural Gas Policy Act of 1978 (NGPA) section 102(c)(1)(C) price as of November 1979. The December 11 order held that gas produced from the Dewees-Lacy well as recompleted into the Red Fork Sand Formation never qualified for the section 102 price and ordered refunds of the overcollections. Alternatively, Woods requests adjustment relief from the refund requirements. Finally, Woods requests a stay of its refund obligation until the Commission acts on the petition or until Woods provides a more precise statement regarding uncollectible overpayments.

Woods contends that Oklahoma's retroactive determination accords with Commission precedent and with the NGPA. Woods also states that the NGPA has been repealed and that strict enforcement of the technical filing requirement thereunder would only provide its purchaser, Natural Gas Pipeline Company of America, a windfall. Woods asserts that it will suffer a special hardship, inequity, and unfair distribution of burdens if it is required to make full refund. Woods asserts that the reasons that support its other requests for relief also support its request for a stay.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211 (1989). All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission. 825 North Capitol Street NE., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register**. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–9273 Filed 4–20–90; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 90–17–NG]

Midland Cogeneration Venture Limited Partnership Poco Petroleum, Inc.; Applications to Transfer and Amend Natural Gas Import Authorization

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application to transfer authorization to import Canadian natural gas from Poco Petroleum, Inc. to Midland Cogeneration Venture Limited Partnership and for approval of revised import arrangement.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 16, 1990, of requests filed by Midland Cogeneration Venture Limited Partnership (Midland), and Poco Petroleum, Inc. (Poco). In their requests ,

Midland and Poco ask that the authorization to import Canadian gas for sale to Midland which was previously granted to Poco in DOE/ERA Opinion and Order No. 287–A [Order 287–A] be transferred to Midland. The requested transfer would grant Midland authority to import up to 25,000 Mcf per day of Canadian natural gas beginning on the date of first delivery in 1990 through October 31, 2004. It would also terminate Poco's existing authority to import gas on behalf of Midland but would not result in any net change in volumes authorized for import.

Under the revised import proposal, Midland would import up to 15,000 Mcf per day of natural gas directly from Poco's parent, Poco Petroleums Ltd. (Poco Ltd.), rather than through Poco, and up to 10,000 Mcf per day of natural gas from North Canadian Oils Limited (NCO).

The applications were filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 23, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Stanley Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1302.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Poco, a Delaware corporation, is a wholly-owned subsidiary of Poco Ltd., a Canadian corporation, and is primarily active as a marketer of gas in the U.S. Poco Ltd. is one of several suppliers of Canadian gas to Midland. Midland is a limited partnership formed to acquire and convert a portion of the idled Midland nuclear project into a 1370 megawatt (MW) cogeneration facility.

Order 287 granted Poco authority to import Canadian natural gas on a final and on a conditional basis, for sale, respectively, to Consumers Power Company (Consumers) and to Midland. Order 287 granted Poco authority to import for sale to Consumers up to 15 MMcf per day of natural gas beginning December 23, 1988, through October 31, 1989, and up to 25 MMcf per day beginning on November 1, 1990, (sic) through March 31, 2005. (In its request, Poco correctly notes that the above-referenced date in the import authorization of November 1, 1990, contains a typographical error and should be November 1, 1989). Order 287–A removed the condition with respect to Midland and granted Poco final authority to import up to 25 MMcf per day of Canadian natural gas for sale to Midland beginning on the date of first delivery in 1990 through October 31, 2004. Poco's request for transfer of its import authority is limited to those volumes related to the gas supply arrangement with Midland. Midland's current request is for an import authorization of up to 25,000 Mcf per day corresponding to the volumes which Poco seeks to transfer to Midland.

Midland and Poco also request approval of other changes in the gas supply arrangement between them from that proposed when Order 287–A was issued. In several letter agreements attached to Midland's application, Midland and Poco Ltd. agreed to replace 10,000 Mcf per day of natural gas out of the 25,000 Mcf per day Poco originally was to have supplied to Midland with natural purchased from NCO under a September 1, 1989, contract between Midland and NCO. The remaining 15,000 Mcf per day would be supplied directly to Midland by Poco Ltd. In addition, the point of delivery of gas to Midland would be changed from Midland's pipeline facilities to a point on the U.S.-Canadian border near Emerson, Manitoba so that Midland would be responsible for domestic transportation of the imported gas from the border to its cogeneration plant in Midland, Michigan. Poco's firm transportation entitlement on Great Lakes Gas Transmission Company's system to move the imported gas to Midland's facilities would be transferred to Midland.

The electricity produced by Midland's cogeneration plant would, as originally planned, be sold primarily to Consumers over a term of thirty-five years with the steam and remaining electricity being sold to the Dow Chemical Company.

According to Midland, the proposed import under the revised arrangement would be competitive since both its amended gas supply contract with Poco Ltd. and its contract with NCO contain provisions comparable to those found in Midland's contracts with other Canadian suppliers that were approved by the DOE in Orders 305 and 305–A. Midland asserts that the price terms of each contract includes an index which is designed to track Consumers' monthly energy charges so that the price of the imported gas would reflect changes in the net fuel equivalent of Consumers' avoided cost for generated power. This is accomplished by use of a reference price in Midland's gas supply contracts with NCO and Poco Ltd. computed by multiplying $1.95 (U.S.) per MMBtu by a fraction consisting of Consumers' monthly fixed and variable expenses of producing electric power for the last month of the previous calendar quarter in the numerator and 2.29 cents per kilowatt hour (U.S.) in the denominator.

In support of their requests, both Poco and Midland indicate that the gas is needed to fuel Midland's cogeneration plant operations. Midland also states that security of supply is shown by the proximity of Midland's cogeneration facility to Canada and by corporate warranties under which Poco Ltd. and NCO are obligated to reimburse Midland for certain costs of acquiring alternate supplies in the event of delivery shortfalls. Since the volumes being imported under the proposed transfer of import authority would remain the same as originally proposed, the applicants state that need for the gas and security of supply have already been demonstrated in Order 287–A.

The decision on Midland and Poco applications will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether such transfer of import authority is in the public interest (49 FR 6684, February 22, 1984). Other matters that may be considered in making a public interest determination include need for the gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. The applicant asserts that this import arrangement is in the public interest because the volumes are needed for Midland's system supply, the price of the gas is competitive, and its Canadian supply is reliable. Parties opposing the import arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), (42 U.S.C. 4321 *et seq.*) requires DOE to give appropriate

consideration to the environmental affects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for an decision on the applicant must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulation in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments, should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Midland's and Poco's applications is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., on April 12, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–9343 Filed 4–20–90; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. FE C&E 90–09; Certification Notice 57]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. Three owners and operators of proposed new electric base load powerplants have filed self certifications in accordance with section 201(d). Further informaiton is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following companies have filed self certifications:

Name	Date received	Type of facility	Megawatt capacity	Location
Saranac Energy Co., Inc., Houston, TX	4–30–90	Topping cycle	80	Plattsburgh, NY.
Adirondack Power, Inc., Houston, TX	4–30–90	Topping cycle	80	Plattsburgh, NY.
Pedricktown Cogeneration Limited Partnership, Cherry Hill, NJ	4–30–90	Combined cycle	117	Pedricktown, NJ.

Amendments to the FUA on May 21, 1987, (Public Law 100–42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, Room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, phone number (202) 586–6769.

Issued in Washington, DC, on April 16, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–9344 Filed 4–20–90; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders

Week of November 13 through November 17, 1989.

During the week of November 13 through November 17, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following

summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Franc Pajek Co., 11/14/89, KFA–0299

On October 26, 1989, Franc Pajek Company (Pajek) filed an Appeal from a determination issued to it on September 26, 1989 by the Assistant Manager for Administration (Assistant Manager) of the Department of Energy's (DOE) San Francisco Operations Office. In that determination, the Assistant Manager denied a request for information filed pursuant to the Freedom of Information Act (FOIA). Specifically, the Assistant Manager denied, pursuant to FOIA Exemption 4, Pajek's request for a copy of all of the bids submitted for the Lawrence Livermore National Laboratory's Labor Only Contract REQ #5724900A. In considering the Appeal, the DOE affirmed the determination to withhold bid information because the contract bid proposals were still under evaluation so that release of the material could cause competitive injury to the bidding firms if the bidding process were reopened. Accordingly, the DOE denied Pajek's Appeal.

The Radiation Research Project, 11/13/89, KFA–0319

The Radiation Research Project (RRP) filed an Appeal from a denial by the DOE's Oak Ridge Operations Office (ORO) of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the RRP's Request lacked a sufficient description of the information requested to allow the ORO to be responsive to the request. Accordingly, the Appeal was remanded to the ORO for a further determination on the RRP's Request.

Remedial Orders

LaJet, Inc., Economic Regulatory Administration, 11/15/89, HRO–0297, KRZ–0086

The DOE issued a Remedial Order to LaJet, Inc., (LaJet) the successor-in-interest to North America Petroleum Company. In the Remedial Order, the DOE found that at various times during the period October 1975 through November 1977 LaJet violated the entitlements reporting regulations codified at 10 CFR 211.66 and 211.67 and the circumvention regulation set forth at 10 CFR 205.202. Specifically, the DOE found that LaJet entered into a series of crude oil sales, processing, and refined product transactions which permitted the firm to shift the reporting of large volumes of price-controlled crude oil from itself to a refiner which was excepted from 100% of its entitlement purchase obligations under the Entitlements Program. According to the DOE, LaJet masterminded a scheme to circumvent the letter and spirit of the DOE regulations by using an excepted refiner as title holder to the crude oil and interjecting unnecessary intermediaries into the crude oil distribution chain. The DOE determined that the scheme was designed to enable LaJet to mask its exclusive physical control and possession of the crude oil and to exclude the crude oil from its crude oil runs to stills on its Refiners' Monthly Reports. By excluding the crude oil from its Refiners' Monthly Reports, LaJet was able to circumvent the entitlements reporting regulations and concomitantly reap a profit at the expense of the Entitlements Program. In determining the extent to which LaJet's actions injured the Entitlements Program, however, the DOE determined that LaJet must be viewed in the position it would have been in had it properly reported the price-controlled crude oil in the first instance. Under these circumstances, the DOE found that LaJet would have received a credit for its runs to still and the small refiner bias. Accordingly, the DOE reduced the violation amount in the case by almost one-half after making the two adjustments referred to above. The DOE ordered LaJet to refund the sum, $1,837,785.61, plus interest, which represents the amount of profit LaJet unjustly received as the result of its scheme to reduce its costs under the Entitlements Program.

McWhirter Distributing Co., Inc., 11/17/89, KRO–0380

The DOE issued a Remedial Order to McWhirter Distributing Company, Inc. (McWhirter). In the Remedial Order, the DOE found that, during the period April through September 1979, McWhirter violated the DOE price regulations at 10 CFR 212.93 by charging prices for regular, premium, and unleaded gasoline which exceeded its maximum lawful selling price. In making its determination, the DOE found that McWhirter did not contemporaneously separate its customers into classes of purchasers as required by the regulations. The DOE therefore accepted the Economic Regulatory Administration's (ERA) request to revise the Proposed Remedial Order (PRO) by combining all of McWhirter's May 15, 1973 customers into a single class of purchaser and to recalculate McWhirter's base period selling prices for premium and regular gasoline. The DOE also found that the ERA correctly calculated McWhirter's weighted average selling price and that McWhirter was not entitled to an additional non-product cost allowance. The DOE refused to allow McWhirter to offset the price overcharges by the debts owed to McWhirter by its customers on the grounds that McWhirter had failed to show that these debts were related to McWhirter's gasoline sales. Finally, the DOE rejected McWhirter's defense of laches and its objections concerning the assessment of interest on the overcharges. The DOE therefore issued a final Remedial Order to McWhirter which required the firm to refund a total of $128,171 plus interest.

Refund Application

Atlantic Richfield Co./Deull Fuel Co., J.S. Hough Fuel Service, Inc., 11/17/89, RF304–2100, RF304–2101

The DOE issued a Decision and Order concerning Applications for Refund filed by Deull Fuel Company and J.S. Hough Fuel Service, Inc., in the Atlantic Richfield Company (ARCO) special refund proceeding. The firms submitted information which indicated that they were spot purchasers of ARCO products and, thus, ineligible for a refund under the procedures outlined in ARCO. Although allowed an opportunity to rebut this presumption, the applicants did not do so. Accordingly, both applications were denied.

Atlantic Richfield Co./Ed & Erv's Service, 11/15/89, RF304–2313

The DOE issued a Decision and Order concerning an Application for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding on behalf of Ed & Erv's Service, an ARCO retail station. The applicant firm was owned in partnership during the consent order period, and one of the partners is deceased. The DOE determined that the refund should be split between the surviving partner and the heirs of the deceased partner. As a retail station whose allocable share was then $5,000, Ed & Erv's was presumed injured. The refund granted in this Decision totalled $1,400, including $350 in accrued interest.

Atlantic Richfield Co./Gilray Oil Co., et al., 11/14/89, RF304–2910, et al.

The DOE issued a Decision and Order concerning forty Applications for Refund filed by an end-user and various retailers or resellers of refined petroleum products covered by a consent order that the DOE entered into with Atlantic Richfield Company (ARCO). Each applicant submitted

information indicating the volume of its purchases from ARCO. In thirty-two of these claims, the applicants were eligible for a refund below the small claims threshold of $5,000. In the remaining eight (8) claims, each of the applicants elected to limit its claim to $5,000. The sum of the refunds approved in this Decision is $104,992, representing $78,481 in principal and $26,511 in accrued interest.

Belridge Oil Co./New Hampshire Palo Pinto Oil & Gas/New Hampshire, 11/14/89, RQ8–520 RQ5–521

The State of New Hampshire requested permission to use its remaining second-stage Belridge and Palo Pinto consent order funds for the following uses: (1) Publication of energy preparedness guidelines, (2) the Northeast Regional Energy Emergency Planning seminar scheduled for 1990, and (3) the Comprehensive Energy Plan. New Hampshire's proposals were approved because they should provide restitutionary benefits to the State's residents. The total amount of second-stage refunds approved in the decision was $5,078.

City of Chesapeake, (Virginia), 11/17/89, RF272–51497

The DOE's Office of Hearings and Appeals considered and granted an application for a subpart V crude oil refund filed by the City of Chesapeake, Virginia. The total refund granted was $9,088.

Exxon Corp./B's Exxon, et al., 11/17/89, RF307–26, et al.

The DOE issued a Decision and Order concerning 26 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased indirectly from Exxon and were retailers whose allocable share is less than $5,000. Each applicant is eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $8,882 ($7,138 principal plus $1,744 interest).

Exxon Corp./Charles Fred Bailey, et al., 11/17/89, RF307–4917, et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed in the Exxon Corporation special refund proceeding. Each applicant purchased directly from Exxon and was a reseller of Exxon products. Each firm's maximum refund would have exceeded $5,000. However, rather than making a detailed showing of injury, each applicant elected to receive either 40 percent of its allocable share or $5,000, whichever was greater. The sum of the refunds granted in this Decision is $42,847 ($35,000 in principal and $7,847 in interest).

Exxon Corp./Consolidated Edison Co. of N.Y., Inc., 11/14/89, RF307–7638

The DOE issued a Decision and Order concerning an Application for Refund filed by Consolidated Edison Co. of N.Y., Inc. (Con Edison), a public utility, in the Exxon Corporation special refund proceeding. Con Edison purchased products directly from Exxon. Since Con Edison certified that it would notify the appropriate regulatory body of any refund received and would pass through the entire refund to its customers, it was granted a refund equal to its full allocable share. The refund granted in this Decision is $386,066 ($312,655 principal plus $73,411 interest).

Exxon Corp./Talk of the Town Car Wash, et al., 11/14/89, RF307–1834, et al.

The DOE issued a Decision and Order concerning 15 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was a retailer of Exxon products whose allocable share is less than $5,000. All of the applicants disagreed with the gallonage information recorded on their Exxon volume sheets and submitted alternative gallonage figures. They requested that the DOE accept the figures either in lieu of or in combination with Exxon's figures. The DOE accepted the purchase figures submitted by 10 applicants who had derived their figures from their invoices or monthly sales records. In the remaining five cases, the Exxon figures were considered to be more accurate. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $20,234 ($16,264 principal plus $3,970 interest).

Exxon Corp./Teague's Exxon, et al., 11/15/89, RF307–1806, et al.

The DOE issued a Decision and Order concerning 18 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased indirectly from Exxon, and was supplied by a firm that either (i) did not apply for an Exxon refund, (ii) had been granted an Exxon refund under a presumption of injury, or (iii) had indicated in its Exxon refund application that it did not intend to make a showing of injury. In accordance with prior Decisions, the claims of the applicants were, therefore, considered under the procedures used to evaluate direct purchaser claims. Each applicant was a retailer whose allocable share is less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to it full allocable share. The sum of the refunds granted in this Decision is $7,373 ($5,926 principal plus $1,447 interest).

Exxon Corp./Walline's Exxon, 11/15/89, RF307–1922 RF307–9872

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Exxon Corporation special refund proceeding. Both Applications were based on purchases of Exxon products made by Walline's Exxon. On May 24, 1989, the DOE issued a Proposed Decision and Order that tentatively denied both refund requests. In the present Decision, the DOE determined that the application filed by McMickle & Edwards, Inc. (Case No. RF307–9872) should be denied because the application contained a false certification. However, the application filed by Energy Refunds, Inc. (Case No. RF307–1922) was granted and Walline's Exxon was found to be eligible to receive a refund equal to its full allocable share. The refund granted to Walline's is $483 ($388 principal, plus $95 interest).

Getty Oil Co./Enron Corp., 11/15/89, RF265–2870

The DOE issued a Supplemental Order rescinding the refund specified for Enron Corporation in *Getty Oil Co./Enron Corp.*, 19 DOE ¶ 85,693 (October 30, 1989) and granting a revised refund amount of $103,899.

Getty Oil Co./T.N.T. Service, et al., 11/15/89, RF2065–2836, et al.

The DOE issued a Decision and Order concerning six (6) applications for refund filed by purchasers of motor gasoline in the Getty Oil Company special refund proceeding. All of the applicants were retailers and indirect purchasers of Getty motor gasoline who documented their respective purchases and established eligibility for a refund claim of less than $5,000. The refunds totaled $6,124 and included $3,178 in interest.

Gulf Oil Corp./Ralph D. Schmidt, et al., 11/14/89, RF300–10473, et al.

The DOE issued a Decision and Order concerning 25 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $48,538.

Gulf Oil Corp./Ray Walker Trucking Co., Inc.,, 11/17/89, RF300–10322

The DOE issued a Decision and Order concerning an Application for Refund submitted by Ray Walker Trucking Co., Inc. (Walker) in the Gulf Oil Corporation special refund proceeding. Walker's application was approved using a presumption of injury. The amount of the refund granted in this Decision, including accrued interest, was $2,244.

Krueger Ringier, Inc., 11/14/89, RF272–51266

The DOE's Office of Hearing and Appeals considered and granted an application for a subpart V crude oil refund filed by Krueger Ringier, Inc., a printing firm located in Itasca, Illinois. The total refund granted was $10,212.

Murphy Oil Corp./Ron's Spur, et al.,, 11/15/89, RF309–1152, et al.

The DOE issued a Decision and Order granting a refund to Ron's Spur (RF309–1152) and denying the refund Applications of Badgerland Oil Co. (RF309–1172 and RF309–1173) and College Ave. ARCO (RF309–1174). Each of these Applications was filed by Ronald Dieg. Ron's Spur adequately documented its purchases of covered Murphy petroleum products and was granted a refund under the small claims injury presumption. *See Murphy Oil Corporation,* 17 DOE ¶ 85,782 (1988). The refund applications of Badgerland Oil Co. and College Ave. ARCO contained unsubstantiated gallonage figures and, therefore, were denied. The total gallonage approved in this Decision was 5,936,711 gallons, and the refund granted was $5,924 (comprised of $4,850 in principal and $1,074 in interest).

Panhandle Eastern Pipeline Co./Western Petroleum Co, 11/17/89, RR15–2

The DOE's Office of Hearings and Appeals (OHA) granted, in part, a Motion for Reconsideration filed by Western Petroleum Company (Western) in the Panhandle Eastern Pipeline Company subpart V refund proceeding. Western had previously applied for an above-volumetric refund, but OHA had limited the award to the volumetric amount. In the present case, Western submitted photocopies of audit workpapers which it claimed indicated that it was disproportionately injured. OHA did not accept the validity of these audit workpapers, but located the complete audit file. This audit file indicated that Western was disproportionately injured. OHA granted a refund based upon the amount of injury shown by the audit. The decision discussed the limited circumstances in which audit materials might form the basis for a refund in excess of the volumetric amount. OHA reduced the refund amount to reflect its finding that Western was able to pass some of its injury through to its customers. This amount was further reduced to reflect the fact that the consent order, on which the Panhandle proceeding was based, only recovered 77% of the amount charged in the Notice of Probable Violation. The amount of the refund granted was $126,221, plus interest.

Pennzoil Co./Arkansas OKC Corp./Arkansas Coline Gasoline Corp./Arkansas National Helium Corp./Arkansas, 11/17/89, RQ10–532 RQ13–533 RQ2–534 RQ3–535

The DOE issued a Decision and Order granting the second-stage refund application filed by the State of Arkansas in the Pennzoil, OKC, Coline, and National Helium special refund proceedings. Arkansas requested a total of $517,505 for four programs. The first program explores energy conservation as a means to avoid the construction of new generating facilities. The second program conducts waste heat recovery, cogeneration, and waste minimization studies and audits for Arkansas businesses. All these studies will increase the energy efficiency and competitiveness of the Arkansas businesses that incorporate the new techniques. Arkansas third program will enhance the computerization of the existing rideshare program. Arkansas' final program, energy efficient improvement for The Meadowcreek Project, will help educate Arkansans about options for energy conservation. The DOE found that these programs would provide restitution to injured petroleum consumers by saving them money through energy conservation.

Renville County (Minn.) Highway Department, 11/17/89, RF272–51064

The DOE's Office of Hearings and Appeals considered and granted an application for a subpart V crude oil refund filed by the Renville (Minnesota) County Highway Department. The total refund granted was $8,769.

Rock of Ages, et al., 11/17/89, RF272–44065, et al.

The DOE issued a Decision and Order granting 124 Applications for Refund filed in the crude oil special refund proceeding. Each of the Applicants was an end-user of petroleum products. Accordingly, each applicant was granted a refund equal to its full allocable share plus a proportionate share of the interest that has accrued on the crude escrow account. The Decision granted was $439,762 in refunds for 549,708,090 gallons.

Shell Oil Co./Azeka's Enterprises, Inc., et al., 11/14/89, RF315–7500, et al.

The DOE issued a Decision and Order granting 82 Applications for Refund filed in the Shell Oil Company special refund proceeding. Each of the Applicants purchased directly from Shell and was either a reseller whose allocable share was less than $5,000 or an end-user of Shell products. Accordingly, each applicant was granted a refund equal to its full allocable share, plus a proportionate share of the interest that has accrued on the Shell escrow account. The Decision granted included $68,537 ($56,978 principal, plus $11,559 interest) in refunds for 252,142,042 gallons of refined product.

Shell Oil Co./Oits Magaha Shell Service, 11/17/89, RF315–268

The DOE issued a Decision and Order granting a refund to Otis Magaha Shell Service (Magaha Service), which was an indirect purchaser of Shell petroleum products during the consent order period. Since there has not been a showing that Magaha Service's supplier of Shell motor gasoline, King Oil Company, Inc., did not pass through the alleged overcharges, Magaha Service was presumed to have been injured by Shell's alleged overcharges. Magaha Service adequately documented its purchases of 1,259,250 gaollons of covered petroleum products from Shell and was granted a refund of $345 (comprised of $285 in principal and $60 in interest) under the small claims injury presumption. *See Shell Oil Company,* 18 DOE ¶ 85,492 (1989).

Shell Oil Co./Phoenix Utilities Corp., 11/15/89, RF315–7897

The DOE issued a Supplemental Order granting an additional refund of $120 (consisting of $99 in principal plus $21 in accrued interest) to Phoenix Utilities Corp. in the Shell Oil Company special refund proceeding. Due to a clerical error, Phoenix Utilities Corp. had been underpaid by that amount in the Decision approving its refund application.

Webster Oil. Co./Missouri, 11/17/89, RQ48–537

The DOE issued a Supplemental Order granting the State of Missouri an additional $781.25 ($779.50 in principal plus $1.75 in interest) in funds in the Webster Oil Co. special refund proceeding. It was determined that this money, which remained in the Webster account after all claims had been paid, should be disbursed to Missouri, the only eligible second-stage claimant, for use in programs previously approved by OHA.

Dismissals

The following submissions were dismissed:

Name	Case No.
Barnick's Gulf	RF300-10723
Carolina Poultry, Inc	RF300-620
Corner Grocery	RF300-7631
Gordon Ericson	RF309-590
Kirk's Services, Inc	RF314-34
Snell Isle Gulf Service	RF300-6640
Worth County Cooperative Oil Co	RF272-75890
Young's Drive in #1	RF300-7049
Witco Corp	RF300-9629

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines a commercially published loose leaf reporter system.

Dated: April 17, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90-9346 Filed 4-20-90; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-861-DR]

Amendment to Notice of a Major Disaster Declaration; Alabama

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA-861-DR), dated March 21, 1990, and related determinations.

DATED: April 7, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: This notice of a major disaster for the State of Alabama, dated March 21, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 21, 1990:

The counties of Chambers and Choctaw for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.) (Billing Code 6718.02.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-9315 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-862-DR]

Amendment to Notice of Major Disaster Declaration; Florida

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-862-DR), dated April 3, 1990, and related determinations.

DATED: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Florida, dated April 3, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the castastrophe declared a major disaster by the President in his declaration of April 3, 1990:

Liberty County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-9312 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-862-DR]

Amendment to Notice of a Major Disaster Declaration; Florida

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-862-DR), dated April 3, 1990, and related determinations.

DATED: April 11, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that the incident period for this disaster is closed effective April 9, 1990.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-9313 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-862-DR]

Amendment to Notice of a Major Disaster Declaration; Florida

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-862-DR), dated April 3, 1990, and related determinations.

DATED: April 11, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Florida, dated April 3, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 3, 1990:

Gadsden County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-9314 Filed 4-20-90; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL TRADE COMMISSION

[Docket No. 9229]

Outdoor World Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a membership campground promoter,

based in Bushkill, Pa., to cease and desist from representing that any consumer will receive a prize, award, gift, bonus, premium, or any other good or service at no cost without disclosing any cost the consumer must pay to receive such good or service. The consent order also requires the respondent to retain accurate records, for a period of 3 years, of all advertising and promotional materials containing representations regarding prize or gift offerings, and records of all prizes and gifts awarded. In addition, respondent is required to notify the Commission of any proposed corporate changes.

DATES: Complaint issued July 17, 1989. Order issued April 2, 1990.[1]

FOR FURTHER INFORMATION CONTACT: Lawrence Hodapp, FTC/H–238A, Washington, DC 20580. (202) 326–3105.

SUPPLEMENTARY INFORMATION: On Thursday, January 25, 1990, there was published in the **Federal Register**, 55 FR 2554, a proposed consent agreement with analysis In the Matter of Outdoor World Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist in disposition of this proceeding.

Authority: (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 90–9303 Filed 4–20–90; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. C–3284]

Reading Hospital et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, for a period of ten years, among other things, two Berks County, Pa. hospitals from acquiring, without prior Commission approval, all or part of any hospital in Berks County, Pa., with a fair market value or purchase price greater than $1 million. Respondents are also prohibited, for a period of ten years, from transferring any hospital they operate in Berks County to a person that operates or is acquiring a hospital in Berks County, without prior Commission approval.

DATES: Complaint and Order issued April 10, 1990.[1]

FOR FURTHER INFORMATION CONTACT: Jonathan Banks, FTC/S–3115, Washington, DC 20580. (202) 326–2773.

SUPPLEMENTARY INFORMATION: On Wednesday, January 31, 1990, there was published in the **Federal Register**, 55 FR 3264, a proposed consent agreement with analysis In the Matter of The Reading Hospital, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order in disposition of this proceeding.

Authority: (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

Donald S. Clark,

Secretary.

[FR Doc. 90–9302 Filed 4–20–90; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90E–0104]

Determination of Regulatory Review Period for Purposes of Patent Extension; Zoladex®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Zoladex® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: I. David Wolfson, Office of Health Affairs (HFY)–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Zoladex® (goserelin acetate) which is indicated in the palliative treatment of advanced carcinoma of the prostate. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Zoladex® (U.S. Patent No. 4,100,274) from Imperial Chemical Industries PLC and requested FDA's assistance in determining the patent's eligibility for patent term restoration.

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[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

FDA, in a letter dated March 27, 1990, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that the approval of the active ingredient, goserelin acetate, represented the first permitted commercial marketing or use of the product. Shortly thereaftr, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Zoladex® is 2,037 days. Of this time, 1,168 days occurred during the testing phase of the regulatory review period, while 869 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* June 3, 1984. FDA has verified the applicant's claim that June 3, 1984, was the date the investigational new drug application for Zoladex® became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* August 14, 1987. FDA has verified the applicant's claim that August 14, 1987, was the date the new drug application (NDA) for Zoladex® (NDA 19–726) was initially submitted.

3. *The date the application was approved:* December 29, 1989. FDA has verified the applicant's claim that NDA 19–726 was approved on December 29, 1989.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 22, 1990, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 23, 1990, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 17, 1990.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 90–9284 Filed 4–20–90; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Meeting of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Board on May 7, 1990. The meeting will take place from 9 a.m. to 5 p.m. in Conference room 6, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting which will be open to the public, is being held to discuss the Board's activities and will include reports from the Board's subcommittees. Attendance by the public will be limited to space available.

Ms. Monica Davies, Executive Director, National Deafness and Other Communication Disorders Advisory Board, room 1B62, Building 31, NIH Campus, Bethesda, Maryland 20892, (301) 496–7243, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting her office.

Dated: April 16, 1990.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 90–9275 Filed 4–20–90; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–03–90–4830–02–24–10]

Meeting; Carson City District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Carson City District Advisory Council.

DATES: May 24, 1990.

ADDRESSES: 1535 Hot Springs Road, suite 300, Carson City, Nevada.

SUMMARY: The Council will meet at 8 a.m. The agenda will include minutes of the last meeting, an overview of the Grimes Point/Hidden Cave field trip and at 8:30 a.m. comments from the public will be heard. At 9 a.m., the Council will depart for Fallon to begin the field tour. The first stop will be at 10:30 a.m. at the Churchill County Museum with lunch to follow at 11:30 a.m. in Fallon. At 1 p.m., the Council will depart from Fallon to continue the tour with visits to Grimes Point/Hidden Cave, Sand Mountain and the Pony Express Station near Sand Mountain. The general public may attend the meeting and field trip, but must provide their own lunch and transportation.

FOR FURTHER INFORMATION CONTACT: Chuck Pope, BLM Public Affairs Officer, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706–0638, phone: (702) 885–6000.

Dated this 17th day of April 1990.

James W. Elliott,

District Manager, Carson City District.

[FR Doc. 90–9282 Filed 4–20–90; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Reclamation

Proposed Stanislaus River Basin and Calaveras River Water Use Program; California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a draft envionmental impact report/environmental impact statement (EIR/EIS).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Guidelines (40 CFR part 1500), and section 21002 of the California Environmental Quality Act, the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) plan to prepare a combined planning report and joint EIR/EIS. This program is a joint study by Reclamation and DWR to determine the best uses of ground-water and surface water resources in the Stanislaus and Calaveras River Basins in California. The program is being conducted in accordance with the March 1989 Memorandum of Understanding which was approved by 17 local water agencies within the Calaveras and Stanislaus River Basins.

Two meetings have been scheduled to solicit public input, determine alternatives, determine the scope of the EIR/EIS, and identify significant issues related to the potential proposed action.

DATES AND LOCATIONS: There will be two public meetings, held at the following times and locations:

- May 15, 1990, at 7 p.m. at the Agricultural Extension Auditorium, 420 South Wilson Way, Stockton, CA.
- May 16, 1990, at 7 p.m. at the Tuolumne Regional Water District, Board room, 1460 Mono Way, Sonora, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Chip Bruss, Environmental Specialist, Bureau of Reclamation (Code MP-750), 2800 Cottage Way, Sacramento, CA 95825-1898, telephone: (916) 978-5130; Mr. Jim Denny, Study Manager, Bureau of Reclamation (Code MP-720), 2800 Cottage Way, Sacramento, CA 95825-1898, telephone: (916) 978-4967; Mr. Chuck Vogelsang, Environmental Specialist IV, Department of Water Resources, Division of Planning, 1416 Ninth Street, PO Box 942836, Sacramento, CA 94236-0001, telephone: (916) 445-8669; or Mr. Donald W. Fisher, Study Manager, Department of Water Resources, Division of Planning, 1416 Ninth Street, PO Box 942836, Sacramento, CA 94236-0001, telephone: (916) 322-7198.

SUPPLEMENTARY INFORMATION: The purpose of the program is to prepare a plan for the long-term use of water resources (both surface and ground water) in the Stanislaus and Calaveras River Basins to meet the following goals:

(1) Meet current and projected local agricultural, municipal, industrial, and water quality needs.

(2) Provide increased instream flows for fishery and wildlife purposes in the Stanislaus and San Joaquin Rivers.

(3) Improve water quality in the Stanislaus, lower San Joaquin River, and South Delta channels.

(4) Increase the yield of the Federal Central Valley Project and the State Water Project while meeting Delta outflow requirements.

(5) Preserve and protect water resources for future growth and projected uses in areas of origin.

The study area includes parts of Alpine, Calaveras, Tuolumne, Stanislaus, and San Joaquin Counties. Alternatives that will be considered include the following:

(1) Diversion and conveyance facilities for delivery of water to Stockton East Water District and Central San Joaquin Water Conservation District.

(2) Offstream storage reservoirs to store New Melones Reservoir supply and spills for release in dry and critically dry years.

(3) Water supply projects to meet the municipal and industrial demands in south San Joaquin County.

(4) Conjunctive use of surface and ground-water resources in the study area.

(5) Providing instream fishery flows above currently required levels.

(6) Flows to improve water quality in the Stanislaus and lower San Joaquin Rivers.

(7) Measures to meet inbasin water demands above and below New Melones Reservoir.

A planning study of the alternative operational scenarios and/or facilities required to meet the study area demands most efficiently will be conducted concurrently with the EIR/EIS. Information contained in the final planning report and EIR/EIS will form the basis for the following actions: negotiation of agreements and contracts, amendments to the State Water Project, legislative proposals, and construction of facilities.

Anyone interested in more information concerning the proposed program or who has suggestions or comments related to potential significant environmental issues should contact the people listed above.

Dated: April 17, 1990.

D.W. Webber,

Assistant Commissioner, Engineering and Research.

[FR Doc. 90-9283 Filed 4-20-90; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

Advisory Committee on Water Data for Public Use; Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use (ACWDPU) will be held May 29-June 1, 1990, at the Red Lion Inn, Columbia River, 1401 North Hayden Island Drive, Portland, Oregon, 97217. The ACWDPU consists of representatives of water resources-oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to advise the Secretary of the Interior, through the Director of the Geological Survey, on the views of the non-Federal community regarding plans, policies, and procedures related to water-data programs. The Director of the U.S. Geological Survey (USGS) chairs the Committee.

The meeting convene at 8:30 a.m. on Wednesday, May 30, 1990, and will adjourn at 11:30 a.m. on Friday, June 1, 1990. The theme of the meeting will be "Water-Resources Information for Confronting Natural Hazards." Primary areas of discussion will include coordinated planning, event operations and data collection, and post-event response and management. Group discussion will focus on floods, droughts, earthquakes and volcanoes using recent events as case studies. In addition, presentations will be provided on the President's Water Quality Initiative and the USGS's National Water Quality Assessment Program. The meeting will include a field trip to Mount St. Helens volcano.

The meeting is open to the public, and anyone wishing to attend or desiring additional information should contact Nancy Lopez, Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092. Her telephone number is (703) 648-5014. Proceedings of the meeting will be available on request.

Dated: March 20, 1990.

Nancy Lopez,

Chief, Office of Water Data Coordination.

[FR Doc. 90-9290 Filed 4-20-90; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development (A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, John H. Elgin, (703) 875-1608, IRM/PE, room 1100B, SA-14, Washington, DC 20523-1407.

Date Submitted: April 12, 1990.

Submitting Agency: Agency for International Development.

OMB Number: 0412-0520.

Type of Submission: Reinstatement.

Title: Information Collection Elements in the A.I.D. Acquisition Regulations (AIDAR).

Purpose: A.I.D. is authorized to make contracts with any corporation, international organization, or other body of persons whether within or without the United States in furtherance of the purposes and within the limitations of the Foreign Assistance Act (FAA). Information collections and recordkeeping requirements placed on the public by the A.I.D. Acquisition Regulation (AIDAR), are published as 48 CFR 7. These are all A.I.D. unique procurement requirements which have not otherwise been submitted to OMB for approval. The preaward requirements are based on a need for prudent management in the determination that an offeror either has or can obtain the ability to competently manage development assistance programs utilizing public funds. The requirements for information during the post-award period are based on the need to administer public funds prudently.

Respondents will have a submission burden of three responses and an estimated annual recordkeeping burden of 12 hours per recordkeeping.

Reviewer: Marshall Mills (202) 395–7340, Office of Management and Budget, room 3201, New Executive Office Building, Washington, DC 20503.

Dated: April 12, 1990.

Wayne H. Van Vechten,

Planning and Evaluation Division.

[FR Doc. 90–9253 Filed 4–20–90; 8:45 am]

BILLING CODE 6116–01–M

Establishment of the International Disaster Advisory Committee

AGENCY: Agency for International Development (A.I.D.).

ACTION: Establishment of Advisory Committee.

SUMMARY: The Administrator of A.I.D. has determined that it is in the public interest to establish the International Disaster Advisory Committee. The Committee will advise A.I.D. on means to increase participation by the U.S. private sector in all aspects of international disaster assistance, including risk reduction, disaster preparedness, and disaster response.

FOR FURTHER INFORMATION CONTACT: Mr. Oliver Davidson, OFDA/IDAC, room 1262A New State, Agency for International Development, Washington, DC 20523; (202) 647–5916.

Dated: April 11, 1990.

Jan Miller,

Assistant General Counsel for Employee and Public Affairs.

[FR Doc. 90–9254 Filed 4–20–90; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31613; Sub-No. 1]

David L. Durbano and Phillip D. Scott; Continuance in Control Exemption

David L. Durbano and Phillip D. Scott have filed a notice of exemption to continue in control of Southwestern Railroad Company, Inc. (SWR). Messrs. Durbano and Scott currently control non-connecting Class III rail carriers Wyoming and Colorado Railroad, Inc. (WCR), which operates over two branch lines of 104.5 and 24 miles in Colorado and Wyoming, respectively; Oregon Eastern Railroad Company, Inc. (OER), which operates over a 155.32-mile branch line in Oregon; Arizona Central Railroad Company, Inc. (ACR), which operates over a 38.74-mile branch line in Arizona; and Intermountain western Railroad (IWR), which operates over a 4-mile branch line in Oregon.

Applicants formed SWR to acquire and operate the Atchison, topeka and Santa Fe Railroad Company's 25.8-mile Whitewater Branch in New Mexico and its 103.2-mile Shattuck Branch in Texas and Oklahoma. SWR has concurrently filed a notice of exemption in Finance Docket No. 31613, *Southwestern Railroad Company, Inc.—Acquisition and Operation Exemption—Whitewater and Shattuck Branches of The Atchison, Topeka and Santa Fe Railway Company.*

Messrs. Durbano and Scott indicate that (1) the SWR, WCR, OER, ACR, and IWR will not connect with each other or with any other railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or with any other railroad in their corporate family; and (3) the transaction does not involve a Class I carrier.

This transaction involves the continuance in control of a non-connecting carrier and comes within the class exemption in 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock. Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Douglas M. Durbano, Durbano & Associates, 4185 Harrison Boulevard, Suite 320, Ogden, UT 84403.

Decided: April 16, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90–9352 Filed 4–20–90; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31613]

Southwestern Railroad Co., Inc.; Acquisition and Operation Exemption

Southwestern Railroad Company, Inc. (SWR), has filed a notice of exemption to acquire and operate the Whitewater and Shattuck Branches of The Atchison, Topeka and Santa Fe Railway Company. The Whitewater Branch extends from Whitewater, NM (near milepost 0 + 0750 feet) to the end of the Santa Rita Subdivision line (near milepost 16 + 1500 feet) at Santa Rita, NM; from the connecting rail line at Hanover Junction, NM (near milepost 14 + 1345.4 feet) to the end of the connecting rail line at Fierro industrial Spur at the Sharon Steel Plant (near milepost 6 + 1804 feet); and from Whitewater (near milepost 30 + 2972 feet) to the Tyrone Industrial Spur at Burro Mountain Junction, NM (near milepost 33 + 5256 feet), a total distance of 25.8 miles. In addition, SWR will acquire ancillary overhead trackage rights to permit interchange at the Whitewater Yard, near Whitewater. The Shattuck Branch extends between Shattuck, OK, at Shattuck Subdivision Main Track Engineering Station 5 + 44 (near milepost 0.1) and Shattuck Subdivision Main Track Engineering Station 5455 + 67 (near milepost 103 + 1685 feet) near Morse, TX, a total distance of 103.2 miles. In addition, SWR will acquire ancillary overhead trackage rights to permit interchange at the Shattuck Yard near Shattuck.

This transaction is related to a notice of exemption filed concurrently in Finance Docket No. 31613 (Sub-No. 1), *David L. Durbano and Phillip D. Scott—Continuance in Control Exemption—Southwestern Railroad Company, Inc.*, for the continued control by SWR's owners of SWR and four non-connecting Class III rail carriers.

Any comments must be filed with the Commission and served on: Douglas M. Durbano, Durbano & Associates, 4185 Harrison Boulevard, Suite 320, Ogden, UT 84403; and Dennis W. Wilson, The Atchison, Topeka and Santa Fe Railroad Company, 80 East Jackson Boulevard, Chicago, IL 60604.

Applicant shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.[1]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 16, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-9353 Filed 4-20-90; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31617]

Chesapeake and Albemarle Railroad Co., Inc.; Lease, Acquisition, and Operation Exemption; Southern Railway Co.

Chesapeake and Albemarle Railroad Company, Inc. (C&A), has filed a notice of exemption to lease (with option to purchase) and operate 73.5 miles of rail line owned by Southern Railway Company (Southern) extending between milepost NS-8.0, at Chesapeake, VA, and milepost NS-74.0, at Edenton, NC, with a branch line extending between milepost WK-0.0 (NS-46.7), at Elizabeth City, NC, and milepost WK-7.48, near Weeksville, NC.

The transaction also involves C&A obtaining incidental trackage rights over approximately 8.5 miles of track in Chesapeake from Southern and its affiliate, Norfolk and Western Railway (NW). The trackage rights extend: (1) Over Southern's track between mileposts NS-8.9 and NS-2.3/V-4.5; (2) over NW's track between mileposts NS-2.3/V-4.5 and V-5.1/N-3.4; and (3) over NW's track between mileposts V-5.1/N-3.4 and N-5.6. The transaction will be effective immediately after the effectiveness of this notice.

Any comments must be filed with the Commission and served on: Frank J. Pergolizzi, Slover & Loftus, 1224 17th Street NW., Washington, DC 20036.

Applicant shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.[1]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 40 U.S.C. 10505(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 17, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-9308 Filed 4-20-90; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 71X)]

Southern Railway Co.; Abandonment Exemption in Polk County, GA, and Calhoun and Cherokee Counties, AL

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its 18-mile line of railroad between milepost 16.0-N, at Cave Springs, GA, and milepost 34.0-N, at Piedmont, AL, in Polk County, GA, and Calhoun and Cherokee Counties, AL.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on May 23, 1990 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by May 3, 1990.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by May 14, 1990, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by April 27, 1990. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be

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[1] SWR certifies that it has identified to the appropriate State Historic Preservation Officers all sites and structures 50 years old or older that will be transferred as a result of this transaction.

[1] Applicant certifies that it has identified to the appropriate State Historic Preservation Officer all sites and structures 50 years old and older that will be transferred as a result of this transaction.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

imposed, where appropriate, in a subsequent decision.

De :ided: April 16, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90–9309 Filed 4–20–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; CAD Framework Initiative, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), CAD Framework Initiative, Inc. ("CFI") on February 15, 1990, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of CFI. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The purpose of this notification is to disclose the following changes in the membership of CFI: (1) The addition of corporate members InterAct Corporation, Laboratories De Marcoussis, National Semiconductor Corporation, Toshiba Corporation, and Xidak, Inc.; (2) the addition of associate members Canadian Microelectronics Corporation, CNET-Grenoble, GenRad Ltd., Institute for Information Industry, Object Sciences Corporation, Antoine Bigirimana, Duane Boning, Bob Cottle, John Eurich, Stephen J. Grout, Wei-Cheng Her, Michael Jamiolkowski, Eiji Kawamoto, Doug Neuse, B. Reddy Penumalli, Paul Titchener and Mr. Yui-Hsieh; (3) Apollo Computer, Inc., SCME Foundation Centers for Micro-Electronics, Gateway Design Automation Corp., and Greg Warshawsky have not renewed their membership in CFI; (4) IMEC, VZW and Westinghouse Electric Corporation have changed from Corporate Members to Associate Members of CFI.

On December 30, 1988, CFI filed its original notification pursuant to section 6(a) of the Act. That filing was amended on February 7, 1989. The Department of Justice published a notice concerning the amended filing in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 1989 (54 FR 10456). A correction to this notice was published on April 20, 1989 (54 FR 16013). On May 17, 1989, CFI filed an additional written notification. The Department published a notice in response to this additional notification on June 22, 1989 (54 FR 26265). A correction to the June 22, 1989, notice was published on August 4, 1989 (54 FR 32141); a further correction was published on August 23, 1989 (54 FR 35091). On August 16, 1989, CFI filed an additional written notification. The Department published a notice in response to this additional notification on September 21, 1989 (54 FR 38912). CFI filed a further additional notification on November 15, 1989. The Department published a notice in response to the further additional notification on January 10, 1990 (55 FR 925).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 90–9256 Filed 4–20–90; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research Act of 1984 C.R. Bard/E.I. Du Pont

Notice is hereby given that, pursuant to the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), C.R. Bard, Inc. ("Bard") on March 20, 1990, filed written notifications on behalf of itself and E.I. Du Pont de Nemours and Company ("Du Pont") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture, and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture, and its general areas of planned activities, are given below.

Bard is a New Jersey corporation with its principal place of business at 730 Central Avenue, Murray Hill, New Jersey 07974.

Du Pont is a Delaware corporation with its principal place of business at 1007 Market Street, Wilmington, Delaware 19898.

On December 22, 1989, Bard and Du Pont entered into an agreement forming a venture for purposes of advanced, long-term research and development. The purpose of the venture is to engage in research, development, experimental production and testing of material and processes relating to the improvement of catheters and other medical devices used within the vessels and channels of the human body, including, but not limited to, coronary, peripheral and neurological arteries, gastric and urological tracts, the reproductive systems, tear ducts, and nerve centers for pain control.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 90–9257 Filed 4–20–90; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research Act of 1984; OSI/Network Management Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the OSI/Network Management Forum (the "Forum"), on March 20, 1990, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 8, 1988, 53 FR 49615. On December 23, 1988, March 23, 1989, July 3, 1989, September 28, 1989, November 22, 1989, and January 29, 1990, the Forum filed additional written notifications pursuant to section 6(a) of the Act. The Department of Justice published notices in the **Federal Register** pursuant to section 6(b) on January 26, 1989, 54 FR 3870, April 25, 1989, 54 FR 17834, August 4, 1989, 54 FR 32141, October 26, 1989, 54 FR 43631, January 10, 1990, 55 FR 926, and February 28, 1990, 55 FR 7046, respectively.

The identities of the additional parties to the venture are given below:

Voting Members

Siemens AG, Otto-Hahn-Ring 6, D–8000, Munich 83, Germany.

Associate Members

3 COM Corporation, 3165 Kifer Road, Santa Clara, CA 95052.

Aeronautical Radio, Inc., 2551 Riva Road, Annapolis, MD 21401.

BBN Communications Corporation, 150 Cambridge Park Drive, Cambridge, MA 02140.

CSEE, ZA de Courtaboeuf, Avenue des Tropiques BP80, Les Ulis 91943, France.

Mitel Corporation, 350 Legget Drive, P.O. Box 13089, Kanata, Ontario K2K 1X3, Canada.

Software Developments International Proprietary Limited, 845 Pacific Highway, Chartswood NSW 2067, Australia.

Stollmann GMBH, Hohes Gestade 11, Nurtingen 7440, Germany.

Telematics International, Inc., 1201 Cypress Creek Road, Ft. Lauderdale, FL 33309.

Touch Communications, 250 East Hacienda Avenue, Campbell, CA 95008.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 90-9258 Filed 4-20-90; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

National Conference of State Juvenile Justice Advisory Groups; Meeting

ACTION: Notice of meeting.

The National Conference of State Juvenile Justice Advisory Groups chartered by the Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), under the authority of sections 241(f) and 247(c) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the provisions of the Federal Advisory Committee Act, and 41 CFR 101-6.1005(a) is holding its annual Conference. The title for this conference is: Mission Revisited: Looking Back to the Future. The goal will be to examine key elements of the Juvenile Justice and Delinquency Prevention Act and to develop consensus among States as to how future activities under the Act should be undertaken. Major activities will include:

—Examination of the purpose for, and the philosophy behind, the creation of the JJDP Act of 1974;

—Consideration of the vision for change which the Act was intended to foster;

—Evaluating of the appropriateness and the effectiveness of our efforts under the Act to date; and

—Formulation of recommendations that will promote improved levels of performance in the coming years.

Individuals and organizations interested in these issues are invited to attend. The conference will take place at the Washington Plaza Hotel, Washington, DC, April 29-May 2, 1990.

For information concerning registration or attendance at business sessions, which will be open to the public, please contact Robert J. Baughman, Executive Director, National Coalition of State Juvenile Justice Advisory Groups, Suite 414, 1211 Connecticut Avenue NW., Washington, DC, (202) 467-0864.

Dated: April 17, 1990.

Approved:

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 90-9244 Filed 4-20-90; 8:45 am]

BILLING CODE 4410-19-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee Renewals

The Assistant Director for Computer and Information Science and Engineering has determined that the renewals of the Advisory Committee for Networking and Communications Research and Infrastructure (formerly titled Advisory Panel for Networking and Communications Research and Infrastructure) and the Program Advisory Panel for Advanced Scientific Computing are necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Authority for these Committees expires April 27, 1992, unless renewed.

Dated: April 18, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90-9347 Filed 4-20-90; 8:45 am]

BILLING CODE 7555-01-M

Program Solicitation for Statewide Systemic Initiatives in Science, Mathematics, and Engineering Education

The National Science Foundation solicits proposals from states to support statewide systemic initiatives in science, mathematics, engineering, and technology education. Proposals must result from analysis and review, by broadly representative groups, of the current systems of teaching and learning at all levels of these subjects. While some proposals may address the needs of an entire state system including K-12 and college, others will be considered if they take a systemic approach, as described in the following solicitation, to particular parts of the system. Letters of intent to submit proposals are due by July 9, 1990, with formal proposals due October 15, 1990. Awards may be between $1 million and $2 million per year for up to five years.

The following program solicitation provides information on the application process.

PROGRAM SOLICITATION

STATEWIDE SYSTEMIC INITIATIVES IN SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION

This document is one of a series of targeted program solicitations inviting proposals directed toward problems and opportunities of high priority within science, mathematics, and engineering education. This nationwide effort is intended to broaden the impact, accelerate the pace, and increase the effectiveness of improvements in education in these fields through support of integrated, systemic changes in state education systems.

This solicitation supplements rather than replaces current program announcements of the NSF Directorate for Science and Engineering Education—particularly those of its Division of Teacher Preparation and Enhancement and of the Science and Mathematics Education Networks Program.

This solicitation envisions substantial commitments of local and state resources and private contributions of various kinds, in addition to any support from the National Science Foundation, United States Department of Education, and other Federal agencies.

Directorate for Science & Engineering Education

Division of Teacher Preparation & Enhancement

Science & Mathematics Education Networks Program

Submission Deadlines:

Letter of Intent: July 9, 1990

Formal Proposals: October 15, 1990

The National Science Foundation (NSF) provides awards for research in the sciences and engineering, and for exemplary projects in science, mathematics and engineering education. The awardee is wholly responsible for the conduct of such research or educational projects and preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findings or their interpretation.

The Foundation welcomes proposals on behalf of all qualified scientists, engineers, and educators, and strongly encourages women, minorities, and persons with disabilities to compete fully in the education initiative described in this document.

In accordance with Federal statutes and regulations and NSF policies, no

person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the National Science Foundation.

Facilitation Awards for Handicapped Scientists and Engineers (FAH) provide funding for special assistance or equipment to enable persons with disabilities (investigators and other staff, including student research assistants) to work on an NSF project. See the FAH program announcement (NSF Publication 84–62, rev. 5/87), or contact the FAH Coordinator in the directorate for Scientific, Technological, and International Affairs. The telephone number is (202) 357–7456.

The Foundation has TDD (Telephone Device for the Deaf) capability, which enables individuals with hearing impairment to communicate with the Division of Personnel and Management about NSF programs, employment, or general information. The telephone number is (202) 357–7492.

This initiative is described in the Catalog of Federal Domestic Assistance category 47.066 (*Teacher Preparation and Enhancement*).

Introduction

The National Science Foundation is soliciting proposals for projects intended to broaden the impact, accelerate the pace, and increase the effectiveness of improvements in science, mathematics, and engineering education in both K–12 and post-secondary levels. Such proposals are solicited from states for the support of integrated, systemic changes in their education systems.

The anticipated effects of these changes will be to increase the knowledge of science and mathematics acquired by all students at all educational levels, and to afford every student the maximum opportunity to acquire the habits of mind and critical thinking skills that characterize effective use of mathematics and science. A further effect of such changes would be to enable students to understand the role and influence of technology as one of a number of ways by which science and mathematics are related to the physical world and the human condition. Such changes should benefit education in all subject matter areas, but when implemented will move the United States toward the goal enunciated by the President and the nation's governors of making American students the first in the world in mathematics and science achievement by the year 2000.

The intention of this solicitation is to generate comprehensive statewide systemic initiatives designed to achieve significant improvements in science, mathematics, and engineering education. NSF desires to fund integrated and well-coordinated elements designed to address major components of the system of education of the state.

The scope of this effort by NSF is as broad as that of state education systems and covers all areas of the Foundation's education programming. It is a supplement to current NSF programs and is not intended to replace any part of them. There will be relatively few awards under this solicitation, but some components of a proposal which is not funded may be eligible for support under other NSF programs in education.

The kinds of statewide initiatives that may win support under this solicitation are those that will analyze, review, and improve all or some of the systemic components of education in the proposing state in a coordinated way. States will be expected to integrate into plans for science, mathematics, and engineering education initiatives such components of systemic change as:

(1) Organizational structure and decision making;

(2) Provision and allocation of resources;

(3) Recruitment and preparation of teachers and college faculty;

(4) Retention and continuing professional development of teachers and other professional personnel;

(5) Curriculum content and learning goals;

(6) Delivery of instruction, including the use of educational technology;

(7) Assessment of student achievement;

(8) Facilities and equipment;

(9) Articulation within the system; and

(10) Accountability systems.

The National Science Foundation will provide part of the initial support to stimulate and catalyze selected, high quality, systemic reform efforts designed to move quickly and purposefully to action. Statewide systemic initiatives embracing such efforts may be supported by NSF for terms of up to five years. In the first year, the Foundation expects to make awards to four to eight states for from $1-million to $2-million, totalling from $5-million to $10-million to each receiving state over the life of the project. The amounts awarded each year will vary depending on the particular proposals, on the amount of cost sharing provided by states, and on the availability of funds. The number of initiatives funded in subsequent competitions will depend on the number of continuing awards and the amount of new funds available each year.

The Foundation's role is to initiate, not to implement the major efforts which will result. NSF will not provide funds for future or past planning, nor will funds be provided to replace money which is available from other sources (i.e. NSF support is intended to be incremental to the base funding). Funding by the National Science Foundation will be phased out during the agreed term; at its end, significant systemic changes should be in place and supported through long-term fiscal commitments from state legislatures and from other sources—pubic and private—to assure permanence of the reforms begun under the NSF award.

An important consideration in the awarding and continuation of funding will be the degree to which proposals incorporate the use of state, local, and private resources with funds to be received from NSF and other Federal sources. No proposal will be considered that does not explicitly address the integration of activities to be carried out with state and local funds, private sector funds, and funds received from the Department of Education, e.g., the Eisenhower Mathematics and Science Education Program and other federal funds. Federal funds from all sources can be only a relatively small part of the total effort which this program will initiate. Substantial fiscal commitments from state and local sources must be the major and continuing means to assure long term improvement.

Each proposal will require the commitment of the governor of the state. Therefore, it is expected that proposals will come through either the Office of the Governor or another office or organization designated by the governor and also have the signature of the chief state school officer and/or the commissioner of higher education.

Moreover, the resulting project must be a cooperative effort by many organizations and individuals within each state. If a statewide initiative is to affect the entire system it must involve all those who have a responsibility to the system or to particular parts of it whether at the state or local level. The participation of local school system leaders, supported by leaders of parent and other community-based organizations, must be a strong and integral part of all components of a statewide systemic initiative. (See Appendix B.)

Coalitions such as this program requires may have relatively little collective experience in planning and

preparing proposals for NSF. In order to provide guidance to the process of developing competitive proposals, a number of appendices are provided for the assistance of proposal writing teams:

Appendix A provides the background necessary for proposers to understand the priorities of NSF, the urgency of the needs that those priorities address, and the educational mission and goals of NSF;

Appendix B describes the organizations and individuals essential to the cooperative efforts required for the program;

Appendix C elaborates on the components of statewide systemic initiatives, the substance of any project;

Statewide Systemic Initiatives

The National Science Foundation is soliciting proposals from states to develop statewide systemic initiatives as cooperative ventures that will extend the reach, raise the quality, and increase the effectiveness of science, mathematics, and engineering education at all levels. The National Science Foundation will provide catalytic support for integrated, systemic changes that will accelerate the pace and broaden the impact of such efforts.

In the past, typical NSF education improvement initiatives have addressed individual systemic components, and not necessarily on a statewide scale. For example: The National Science Foundation supports numerous projects that are developing specific new curricula (elementary school mathematics; middle school science; high school chemistry; undergraduate engineering); and, the Foundation supports numerous projects to help those who teach to expand their disciplinary knowledge and sharpen their classroom skills (e.g., elementary school science teachers; middle school mathematics teachers; high school physics teachers; undergraduate biology faculty).

Increasingly, the Foundation supports projects that tie together and sequence effectively the development of new curricula *and* the special activities necessary to prepare teachers to use the new instructional materials imaginatively. The output of such projects might easily founder by running up against systemic barriers to the adoption and use of what might otherwise be an outstanding curriculum improvement backed by well-qualified and enthusiastic teachers.

It is the purpose of this solicitation to encourage statewide systemic initiatives designed to overcome such systemic barriers as may exist.

Scope of Statewide Systemic Initiatives

The National Science Foundation will consider proposals under this solicitation that promise substantial systemic change. It is possible that a state would propose an initiative to reform its whole system for education in science, mathematics, and engineering, K–16; such a proposal would be welcomed.

Less than comprehensive sets of elements may be supported under this solicitation if they nevertheless constitute substantial systemic change and improvement, and if the proposal demonstrates convincingly that such a limited initial effort will be developed to include the whole of a state's system for education in science, mathematics, and engineering.

For example, an initial effort might address one of the following:

- Mathematics through the high school and college;
- High school science and mathematics (Grades 9–12);
- Industrial technology curricula (Grades 11–14);
- Elementary school science (K–6);
- Mathematics for science and engineering (Grades 8–12 and college).

These examples are intended only to illustrate the scope of initiatives that states might propose. Whatever the nature of the elements constituting the initiative, they should be selected in light of the educational goals of both the State and the Foundation. The fact that a project may be statewide in its scope does not, of itself, make it a statewide systemic initiative; for that to be true, it must include consideration of the ten systemic components listed in the Introduction.

Cooperative Efforts in Statewide Systemic Initiatives

Educational systems are complex organizations. Many individuals and groups have significant influence over them and hold stakes in their operation, structure, performance, and outcomes. To bring about educational improvements through integrated, systemic change demands concerted action at many levels, and by many persons.

Project partners, in addition to NSF, would include: state leaders; teachers and other school system leaders; leaders in science-rich institutions, including business and industry; leaders of parent groups and other community-based organizations; leaders in teacher-preparing institutions and programs; and, leaders in national, state, and regional resource organizations.

This listing is not complete; other individuals and groups are in positions of public and private authority and influence with respect to the improvement of education in science, mathematics, and engineering. Each state responding to this solicitation will necessarily reflect its own needs, opportunities, resources, and aspirations in designing its cooperative venture. However, proposals must include leaders from the organizations described above or provide a rationale for their absence. (Appendix B provides a more detailed description of proposed project partners and the roles they might play.)

Components of Statewide Systemic Initiatves

The proposals selected for funding will comprise integrated and well-coordinated elements designed to address as many system components (ten were listed in the introduction) as will launch and sustain systemic change. Each proposal must identify the systemic components to be addressed; describe the objectives and activities which will be implemented within each systemic component; and detail the strategies of coordination among the various components.

Appendix C provides a fuller explanation of some of the components that a statewide systemic initiative might address, beginning with those that provide the organizational and resource base upon which educational systems stand. The statements there are not prescriptions; rather, they are suggestions of issues relating to many of the factors essential to systemic change.

The components which a particular State might include should be the result of an analysis of its needs and the scope of the project that it proposes. While not every one of these components may be a primary factor in every statewide systemic initiative, all must be reviewed in the process of developing a proposal and a rationale provided for those not included.

Essential Thrusts of Statewide Systemic Initiatives

Each statewide systemic initiative selected for funding under this solicitation will propose specific actions and activities to be undertaken during its term. Certain thrusts are essential to the planning, description, and conduct of an initiative intended to yield significant and permanent systemic changes, and will be required in each proposal.

While the components of any statewide systemic initiative are the *substance* of the project, the essential thrusts are the *actions* necessary to

address the components in a coordinated and efficient way.

Each proposal must address:

1. Preparation for Action

Each proposal must include the findings of a thorough analysis of the essential system components and factors affecting science, mathematics, and technical education. Resources, promising ideas, and exemplary practices should be identified; obstacles to desirable change should be surfaced along with plans for their reduction or removal. The analysis must cover those elements of the set of systemic components most directly related to the concept of the statewide initiative.

2. Agenda for Action and Experimentation

Each proposal must describe an explicit management/implementation structure and an agenda of vigorous elements that will confront obstacles to change, nurture strengths and remove weakenesses, achieve planned improvements, and that could serve as examples for education systems of other states. Some elements will be straightforward, others will be experimental and involve risks; many will require active partnership with local school systems.

3. Development of the Resource Base

Each proposal must provide convincing evidence that the fiscal and non-fiscal resources required to implement and, especially, to sustain the planned systemic changes will be provided. Firm committments from key individuals and/or groups may be of political, institutional, and financial support; the provision of various resources and services; or specific personal involvements. Projects whose elements are likely to continue to thrive even when NSF funding is phased out are good candidates for initial support from the Foundation.

Statewide change, like any other, has at least temporary costs; a variety of funding sources should be developed to meet such initial expense. State and local tax-based sources are expected to provide substantial support for the activities carried out under this solicitation. Improvments in the quality and effectiveness of education in mathematics and science are of direct concern to business and industry; their fiscal and intellectual participation should be a feature of every proposal. One federal contribution will be the NSF award; other federal agencies should be approached by the proposers for appropriate support of elements of the initiative, as should private foundations.

Some systemic changes will involve permanent cost increases. It is essential that policy and program changes be matched with adequate fiscal commitments. State and local revenues are the obvious sources of the funds to meet permanent costs. Sustaining quality improvement is important to many segments of the state's body politic, and sharing the costs on a continuing or rotating basis is possible for many of them. The proposal must show how fiscal and non-fiscal resources from *all* sources will be acquired and expended.

4. Long-Term Commitments to Action

Each proposal must describe the commitment made by the officers, offices, agencies, groups, and systems making up the statewide partnership.

To succeed, statewide systemic initiatives must secure long-term commitments to provide continuing support from the members of the partnership and from other appropriate agents and agencies. Fiscal revenues are only part of the support base. Equally important is agreement among the cooperative venturers as to the goals sought, the objectives to be pursued, the responsibilities to be assumed, the systemic changes to be implemented, the measures to be employed to assess progress, the manner of handling unforeseen developments, the time table, and how necessary changes will be made in the original covenant. In the long term, systemic changes as substantial as those sought through this solicitation will likely entail major modifications in the ways that states and subordinate entities operate their education systems. The paths to be followed must be carefully mapped. The commitments and agreements will be reviewed thoroughly in the evaluation process, as described below in the section on Proposal Processing and Evaluation.

5. Public Understanding and Support

Each proposal must include significant efforts to increase public awareness and understanding of the urgent need to support improvements in science, mathematics, and engineering education. Significant changes in the content and means of learning will require an informed public that understands both the need for change and the fact that all students are capable of gaining science and mathematical literacy appropriate to their protential.

Incorporation of Other Education Projects

States already have many Federally funded education projects that address some of the components of the statewide systemic initiatives called for in this solicitation (e.g., projects of NSF, the Department of Education, NASA, the Department of Energy). Where it is appropriate to the objectives of a statewide systemic initiative, results from those projects should be reflected in the plan developed under this solicitation.

Preparation and Submission of Proposals

Who May Submit

To assure the commitment of the governor of the state it is expected that proposals will come through either the Office of the Governor or another office or organization designated by the governor and also have the signature of the chief state school officer and/or the commissioner of higher education.

Steps to Planning and Proposal Preparation

The following paragraphs describe steps believed to be essential to the development of a proposal likely to be competitive for funding by the Foundation:

1. Form a study/planning group composed of those leaders essential to the process of bringing about changes in the educational system of the state, including leaders in local districts with the largest populations of underrepresented groups.

2. Conduct an analysis and develop an outline of a plan for a statewide systemic initiative that is consistent with the objectives, requirements, and expectations described in preceding sections of this solicitation. The planning group should use the earlier section on "Essential Thrusts" as a guide to its activities.

3. Prepare a preliminary proposal in the form of a Letter of Intent—a brief summary of issues, intended actions, participating stakeholders, and needed resources—to be sent to the staff of NSF for comment. This is required prior to submission of a formal proposal.

4. The Foundation staff will review each Letter of Intent and within 6 weeks advise its authors as to the degree to which its content suggests that the statewide systemic initiative contemplated is consistent with the purposes and guidelines of this solicitation. Following consideration of that advice, the authors may prepare and submit a formal proposal to NSF. (In

some cases the staff may suggest other Foundation programs as being more appropriate for the plan submitted, or for parts of it.)

The Formal Proposal

Proposals submitted in response to this solicitation should be prepared and submitted in accordance with the guidelines provided in the NSF brochure, *Grants for Research and Education in Science and Engineering* (GRESE), NSF 83–57 (Revised October, 1989). Single copies of that brochure are available at no cost from the Forms and Publications Unit, phone (202) 357–7668, or via e-mail (Bitnet: pubs@nsf or Internet: pubs@note.nsf.gov).

The Project Description may not exceed 20 single-spaced pages (approximately 400 words per page) or 40 double-spaced pages. These limits supercede those published in GRESE. Appended material must be held to a minimum and must not be used to circumvent the page limit on the length of the project description. Proposals exceeding these limits will not be considered. The Foundation staff will determine the manner in which appended material will be provided to reviewers.

The Project Description, which is the main body of the proposal, is a detailed definition of the project. It must enable reviewers to "follow" the initiative from beginning to end, and must include:

1. A statement of the results of an assessment of the essential components of the system of science, mathematics, and technical education existing within the state and the set of statewide or local policies, laws, rules, traditions, assumptions, and agreements underlying the system. These assessments should guide the selection and structuring of systemic initiative elements.

2. A description of the elements—the components and the essential thrusts—constituting the statewide systemic initiative, and the specific objectives they are intended to achieve including a set of appropriate and valid student outcome goals.

3. A description of the partners who will engage in the initiative and of the pact among them. This exposition of the enabling commitments underlying the initiative is a critical part of the proposal. A successful cooperative venture is complex and requires effective strategies to develop and maintain communication among the partners and mechanisms for informing and involving state and local governments, the various segments of the education system, the private sector, teachers, parents, and the media.

4. A description of the means by which project activities will be evaluated and documented as they are conducted, and how activities will be changed, improved, or discontinued as a result of ongoing evaluations. Proposals must describe plans for assessing the various consequences and impacts of project activities, especially as these measure the benefits (or lack thereof) of the systemic changes undertaken (e.g., improved student achievement in science and mathematics, reform of teacher certification practices). The method and format of data collection should be consistent with accepted research and evaluation procedures, so the data can be shared through the dissemination of results.

5. A plan for the dissemination of information and provision of assistance to other states wishing to implement such programs. Initiatives under this solicitation are expected to yield systemic changes that can be considered and adapted for use by others.

6. A brief narrative explanation of the budget, including all sources of financial support and indicating expenditures for each year. The explanation should describe all cost-sharing and include the schedule for phasing-out support from the National Science Foundation and a specific plan for continuing support for these statewide systemic initiatives when Federal support is concluded. Each initiative is expected to be a cooperative venture with the partners providing both fiscal and in-kind support of goods and services. Official letters that verify specific fiscal and in-kind elements of non-NSF support (and only such letters) should be included in the proposal.

Budget

Forms and documentation required in the Budget section of the proposal are described in GRESE at page 5 and on the reverse of NSF Form 1030. NSF Form 1030 must be provided for each annual budget and for the cumulative budget for all years of the project. Separate "Budget Explanation Pages" should be attached which (1) provide detail supporting the funds requested from NSF on Form 1030, and (2) provide similar detail of the fiscal and in-kind support from other sources.

Proposal Processing and Evaluation

Proposals will be reviewed for scientific and educational merit by practicing scientists and mathematicians, science and mathematics educators, and others having knowledge and expertise in the field(s) represented in the proposal. The evaluations of the independent reviewers are important in establishing the general quality levels of proposals, and are major factors in the decisions to make awards.

Proposals received under this solicitation will be processed and evaluated following procedures described in GRESE, page 9. Every effort will be made to facilitate the process to reach decisions within the normal 6 month period. However, due to the comprehensive nature of the program, processing may take longer, particularly for propsals from organizations which have not previously submitted a proposal to NSF.

The National Science Foundation instructs its reviewers to evaluate proposals on the basis of the four general criteria listed on page 8 of GRESE:

1. *Intrinsic Merit.* This criterion is used to assess the likelihood that the project will lead to systemic changes which will have substantial impact on science, mathematics, and engineering education.

2. *Performance Competence.* This criterion relates to the capability of the proposers, the soundness of the proposed approach, and the adequacy of the resources available to carry out a statewide systemic initiative.

3. *Utility or Relevance of the Project.* This criterion is used to assess the likelihood that the statewide systemic approach can contribute to meeting the nation's needs in mathematics, science, and technical education.

4. *Effect on the infrastructure of science and engineering education.* This criterion relates to the potential of the project to contribute to better understanding or improvement of the quality, distribution, and effectiveness of the Nation's scientific and engineering education, research, and human resources base.

In the evaluation of proposals for statewide systemic initiatives these criteria will form the basis for consideration of the various elements described in this solicitation as they pertain to the education goals of NSF.

The NSF staff may solicit further information through site visits and other means in order to arrive at a decision upon which to make an award. Other factors that will be considered by the NSF staff in selecting the awardees from within substantially similar quality groupings include: (1) The amount and duration of cost-sharing and the degree of certainty that it can be delivered; (2) the relative effort represented by the project in comparison with the aggregate of state education activities; (3) the firmness and substance of the

commitments from the participating entities, groups, and individuals.

Awarding of Grants

In order to provide a diversity of models within this program, other considerations in the final decision will be (1) desirable variations of the scope (grade level and subjects) or of the components of various projects; and (2) desirable variations in the geographic, economic, and demographic characteristics of the applicant states.

Until a decision is announced, no information can be provided on the probability of support. Every effort will be made to reach a decision and inform the applicant promptly. Notification of an award is made in writing by the Division of Grants and Contracts of the Foundation. Organizations whose proposals are unsuccessful will be advised in writing as promptly as possible. Regardless of the proposal action, verbatim copies of the written reviews, not including the identities of the reviewers, will be sent to the applicants.

Proposal Submission

Fifteen (15) copies of each proposal, including one copy bearing original signatures, should be mailed to: Proposal Processing Unit—Room 223, Attention: SEE/DTPE, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Only one (1) copy of NSF Form 1225, Information about Principal Investigator/Project Director, should be sent, attached to the original signed proposal.

In addition to the fifteen copies mailed to the Proposal Processing Unit, one copy should be sent to the attention of the Program Director at the address given below. This need *not* be a signed copy.

In the interest of reducing paper consumption and mailing costs, proposers are urged to submit proposals printed on both sides of the sheet. However, the original signed copy must be printed only on one side of each sheet.

Proposals may also be submitted electronically. For information, contact the Electronic Proposal Submission Program Director, Office of Information Systems (OIS), phone (202) 357–9767, or via e-mail (Bitnet: gstuck@nsf; or Internet: gstuck@note.nsf.gov).

Proposals submitted in response to this solicitation must be postmarked (or delivered to commercial overnight mail service) no later than October 15, 1990 and received by NSF no later than October 29, 1990.

Proposals submitted electronically must have entered the NSF system no later than October 15, 1990.

Intergovernmental Review

Many states have elected to review proposals submitted to Federal agencies by prospective grantees from that state. Pursuant to Executive Order 12372 ("Intergovernmental Review of Federal Programs") and the implementing NSF regulations (**Federal Register**, Volume 48, No. 123, June 24, 1983, pp. 29358–29366), the NSF has established a procedure for ensuring the review of proposals by states when applicable. Programs described in this announcement are eligible for reviews by electing states under E.O. 12372.

Proposers from states electing to review proposals must submit their proposals to the state's single point of contact (SPOC) for review prior to, or simultaneously with, submission to the NSF. No grant award will be made by the NSF unless the state has had an opportunity to review the proposal for a period not to exceed 60 days.

Questions relating to NSF implementation of E.O. 12372 may be directed to the Intergovernmental Review Officer at (202) 357–9496.

Award Administration

Because of the nature of the statewide systemic initiatives and the sizeable sums involved, the Foundation will be an active partner in each of the initiatives. The NSF award instrument will be a cooperative agreement which includes provisions for substantial technical and management involvement by the Foundation during the performance period. The progress of each statewide systemic initiative will be assessed periodically. In general, oversight and monitoring of each project will be carried out by NSF through site visits by the program officer or other NSF staff, by annual reports, and by other means pertinent to the arrangement made with each organization receiving funds under the cooperative agreement. Of particular interest will be the continued infusion of financial support from state and local sources and its relationship to the phasing-out of NSF funds as set forth in the plan included in the budget narrative.

Awards made as a result of this solicitation will be administered in accordance with the terms and conditions of NSF GC–1, "Grant General Conditions" and NSF CA–1 (10–88), "Cooperative Agreement General Conditions". These documents are available at no cost from the NSF Forms and Publications Unit, phone (202) 357–7668, or via e-mail (Bitnet: pubs@nsf or Internet: pubs@note.nsf.gov). More comprehensive information is contained in the *NSF Grant Policy Manual* (NSF 88–47, July 1989), for sale through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

If the submitting organization has never received an NSF award, it is recommended that appropriate administrative officials become familiar with the policies and procedures in the *NSF Grant Policy Manual* which are applicable to most NSF awards. If a proposal is recommended for an award, the NSF Division of Grants and Contracts will request certain organizational, management, and financial information. These requirements are described in chapter III of the *NSF Grant Policy Manual*.

For More Information

Governors, state education officers, local school system officials, and other leaders of political, educational, and civic groups interested in the opportunities available through this solicitation may obtain additional information by contacting the program director: Mr. Charles R. Eilber, Program Director, Statewide Systemic Initiatives, Room 504, National Science Foundation, 1800 G Street NW., Washington, DC 20550, (202) 357–7751; FAX (202) 375–7009; Bitnet: ceilber@nsf; Internet: ceilber@note.nsf.gov.

Requirements of the Final Project Report

Upon completion of the project a Final Project Report (NSF Form 98A), including the Part IV Summary, will be required. Applicants should review this form prior to proposal submission so that appropriate tracking mechanisms are included in the proposal plan to ensure that complete information will be available at the conclusion of the project.

APPENDICES

Appendix A—Background

The problems or predicaments facing education at every level (and likely in every discipline) have been studied by many groups and individuals. Many carefully drawn recommendations have been put forth that speak to both general and specific steps that could be taken to secure the at desired improvements.

The links between science, mathematics, technology and engineering and the future of the nation are stronger today than ever before. Science and technology literacy are essential for a skilled work force and a

functioning democracy. In a world dependent on technology, there is no more critical need than for success in the efforts to improve the quality, effectiveness, reach and impact of all levels of education in mathematics, engineering and the sciences.

The consensus of the President, the Congress, governors of the states, chief state school officers, commissioners of higher education, college and university presidents, civic leaders, and numerous leading private sector executives is that improvement of education, especially at the elementary and secondary school levels, is at the top of national priorities. Within that priority, all have asserted that greatly improved science and mathematics learning performance is among the most needed reforms if the nation is to achieve the goal enunciated by the President and the nation's governors of making its students first in the world mathematics and science achievement by the year 2000.

A special concern of the National Science Foundation is improvement of education in science, mathematics, and engineering. The Foundation, as well as other agencies and organizations, both public and private, have sponsored and supported a variety of initiatives intended to generate specific betterments in the reach and effectiveness of both instructional materials and teaching personnel in these fields. Because of the centrality of mathematics and science in the whole of education, these improvements should have positive effects on instruction in all other subjects as they contribute to the goal that by the year 2000 every American adult will be a skilled, literate worker and citizen.

The substantial and growing need for well educated scientists, mathematicians, engineers and technologists to do the scientific and technical work of society is well recognized. Equally important is the need for sophisticated science literacy on the part of the American work force as a whole—not just to provide strong support for science and technology, but because the proper and informed exercise of contemporary democratic citizenship is becoming increasingly dependent on the science literacy of all the people.

The educational dimension of these needs are indicated in the figure below. The "High School and Beyond" Surveys (U.S. Department on Education; 1980, 1982) show the steady, year-by-year decline in the number of American youth interested in any kind of career in natural science or engineering. The national well-being demands that these numbers be increased, and efforts to that end are an important NSF mission. But it would be a national disaster if the comprehension of science and the mathematics literacy (sometimes called "numeracy") of the vast majority of our people were to receive less attention. It is for these reasons that the National Science Foundation has a twin mission with regard to education—a mission of excellence to the persons represented by both the shaded and unshaded portions of the figure.

To secure the general and widespread improvement required by the national interest, it is necessary that the results of many successful betterment initiatives be translated nation-wide into comprehensive, integrated, systemic changes in the teaching and learning of science and mathematics at all educational levels, K–16, and of technology and engineering at their places in the high school and college years.

To accomplish these changes the Federal Government and the states must work together. As awareness of the impact of education on economic development has intensified, governors of many states have taken bold steps to provide leadership for educational reform. The critical nature of science, mathematics, and engineering education in particular has been a focal point. This was confirmed at the President's summit meeting with the governors in September 1989: two of the six agreed national goals specify science and mathematics competency and achievement.

On the one had, the States are key agents for reform. The content, housing, and delivery of instruction are regulated by state officers and agencies; the states license and supervise the activities of those who teach and those who administer public education; the states determine criteria and standards for student advancement; the states secure and distribute the funds necessary for the support of the education system; and, ultimately, the states are accountable to their citizens for the results of these efforts.

On the other hand, the National Science Foundation has unique connections to the academic and industrial research institutions whose scientists create much of the new knowledge of nature that is gained in the United States. Historically, the Foundation has served as a catalyst and conduit to bring scientific expertise to bear on efforts to enhance the quality and assure the timeliness and accuracy of new instructional materials, and to contribute special perspectives to the development of innovative educational programs.

In these efforts the National Science Foundation is guided by these educational goals:

- To help ensure that high-quality education in science and mathematics is available to every child in the United States, sufficient to enable those who are interested and talented to pursue technical careers at all levels, especially in science and engineering, as well as to provide a base for understanding by all citizens.
- To help ensure that the educational pipelines carrying students to careers in science, mathematics, and engineering yield sufficient numbers of well-educated individuals to meet the technological needs of the U.S. work force, and to keep the United States at the forefront of scientific achievements;
- To help ensure that those who select scientific and engineering careers have available the best possible professional education in their discipline;
- To help ensure that opportunities are available at the college level for interested nonspecialists to broaden their backgrounds in mathematics, engineering, and the sciences; and
- To support informal science education programs to maintain public interest in, and awareness of, scientific and technological developments.

Throughout all of these run two other goals:

- To increase the representation of women, minorities and disabled persons in both the study and the professional practice of science, mathematics, and engineering; and
- To promote actively the inclusion of the private sector as partners in projects to improve science, mathematics, and engineering education.

The education programs of NSF serve many of the goals recently enunciated by the President and the Governors. For example, many of the programs in Informal Science Education serve all ages and interests and reach even into the pre-school level. Many are designed to increase interest of students in selecting more mathematics and science courses and staying in school to complete them. All grade levels are served by various NSF programs thereby contributing to the improvement in competency to be demonstrated after grades four, eight, and twelve.

The Foundation pursues these goals through educational activities in science, mathematics, and engineering that cover many aspects of teaching and learning. NSF programs:

- Stimulate the improvement of teacher education curricula, and help active teachers and faculty members

maintain and upgrade their disciplinary knowledge and professional skills;

• Support research on the educational applications of advanced technologies, and on the processes of teaching and learning;

• Help pay for the development of innovative courses and curricula, and for the preparation of new instructional materials for schools and colleges;

• Make possible exhibits and media presentations that will reach students of all ages outside of classrooms;

• Support and encourage the interest of young people in considering and then pursuing careers in technical fields; and

• Contribute to efforts to increase the awareness and understanding of science and mathematics by all citizens.

Appendix B—Cooperative Endeavors

The statewide systemic initiatives proposed for support under this solicitation must include the cooperative efforts of at least the following:

• *State leaders*—governors, chief state school officers, commissioners of higher education, legislative and civic leaders, and the heads of key groups representing teachers, administrators, school systems, and commerce and industry—have the authority to change education policy, enact necessary statutes, modify regulations, define broad goals and objectives, and assign programmatic and functional responsibilities, and are positioned to inform and involve the public at large.

• *School system leaders*—teachers, school board members, superintendents, principals, and supervisors—are the ones who will actually restructure their schools, implement necessary changes, provide facilities and funds, serve as conduits and bridges among the statewide policy leadership, the classroom educational leadership, and the manifold constituencies of local schools, and provide the reality tests for experimentation and risk-taking.

• *Leaders in science-rich institutions*—presidents, directors, and other leaders in colleges, universities, industrial laboratories, science centers, museums, and other science and technologically-rich organizations—can mobilize disciplinary expertise, and contribute valuable human and materials resources to improvement efforts and to the improved system.

• *Leaders of parent groups and other community-based organizations* can promote understanding of the need for reforms; must back state and local policy changes; can enlist support for higher standards of achievement; and are vital in making school-site program decisions and implementing innovation.

• *Leaders in teacher-preparing institutions and programs* are positioned to guide efforts to reform undergraduate and graduate teacher curricula; improve school-based internship and induction programs; and strengthen professional development activities for both beginning and experienced teachers.

• *Leaders in National, state, and regional resource organizations*—such as science academies, science and mathematics teachers' associations, professional science associations and societies, research centers and laboratories—can provide schools with information, knowledge, materials, and implementation strategies to improve learning, and must be involved in the creation of statewide systemic initiatives.

Appendix C—Components of Statewide Systemic Initiatives

The following paragraphs describe some of the components that a statewide systemic initiative might address.

1. Organizational Structure and Decision Making

Many elements of organization and decision making will be affected by systemic changes: the physical and social conditions of learning; how teachers and pupils are matched with content, materials, and time allocations; grading and grouping practices; the role of teachers in determining policies and programs; where education program decisions are made, and who makes them; local and state structures and procedures that govern decisions.

2. Provision and Allocation of Resources

The provision and allocation (from all sources) of money, time, talent and other resources is integral to any consideration of educational changes. Personnel and resource allocation patterns may, in particular, affect the learning of underrepresented groups; a cross-cutting goal of NSF education activities is to make sure that women, minorities, and the disabled have engaging opportunities to learn science, mathematics, and technology at all levels of their educational experience.

3. Recruitment and Preparation of Those Who Teach

Students and teachers are the key persons in any educational activity. Among the most critically needed systemic changes are those that will increase the number of highly qualified teachers and faculty members available at all levels. In the schools, there are significant shortages of teachers qualified to offer instruction in science and mathematics. The supply of qualified science, mathematics, and engineering faculty in higher education is falling toward crisis. Special efforts are required to attract qualified minorities and women to teaching science, mathematics, and engineering at all levels.

Systemic changes in curriculum content and delivery of instruction will likely require significant revision of policies and programs related to the initial preparation and continuing education of teachers. Both the number and quality of teachers are affected by the character of undergraduate teacher preparation programs, state certification requirements, regulations governing the employment of teachers with nontraditional backgrounds, etc. These situations may require significant changes in the way in which those who teach gain their science and mathematics knowledge and teaching skills, as well as in the way in which faculty who teach undergraduates are prepared for that responsibility.

4. Retention and Continuing Professional Development of Teaching and Non-teaching Personnel

Statewide policies determine or affect strongly the ability of educational institutions to retain, and sustain highly-qualified personnel. Science and science-related disciplines are rapidly progressive; without continuing professional development, obsolescence of qualified faculty occurs with alarming speed. Changes that take place naturally within a discipline (as the knowledge base grows) and the purposeful changes that may be made in its presentation (by adoption of new instructional materials or application of innovative technologies) both demand that appropriate inservice professional development activities be provided for those who teach.

Systemic change in almost any area will require assessment of current policies governing the induction, promotion, evaluation, professional development, and assignment of instructional personnel. Where school-based decision making and other experiments are in progress, states and school systems will need to develop innovative ways for instructors and administrators to gain access to knowledge and skills from which they will make decisions and design programs. The roles of supporting professionals—principals, counselors, curriculum supervisors—must also be considered.

5. Curriculum Content and Learning Goals

Curriculum content and learning goals are major concerns of this solicitation. Improvements are necessary to assure that those who are planning to prepare themselves for careers in science, mathematics, technology, and engineering—as well as in the teaching of those subjects—receive excellent instruction. Perhaps even more critical at the present time, efforts must be made at every educational level to review and improve curriculum content and to increase the awareness and understanding of science, mathematics, and technology by all students. The learning outcomes expected for students must include the knowledge, skills, beliefs, and attitudes that develop from their mathematics, science, and technological education experience.

Essential Curriculum Content

Improvement of curriculum content and elevation of learning goals are major concerns of this solicitation. Historically, each state has defined its own curriculum needs in science and mathematics. The increased mobility of the population, growth of instant communications, and explosion in use of the computer over the past thirty years place a premium on a broader view. While no state should adopt curricula that ignore its special needs, neither should any state ignore national needs.

Recent national efforts have begun to identify essential learning goals for all students. Most of them call for content knowledge to be matched with development of the skills and attitudes that constitute effective scientific and technological literacy and mathematical "numberacy". Virtually all of them urge that students take part in active learning programs in order to gain needed content knowledge and essential skills necessary for the talented work force the Nation needs to compete in the global market. Some states or school districts may wish to set, for certain populations, teaching and learning goals that exceed this essential content.

Among the reports by national study groups that should be considered seriously by any organization preparing a proposal under this solicitation are: "Everybody Counts" (National Academy of Sciences/Mathematical Science Education Board); "Curriculum and Evaluation Standards" (National Council of Teachers of Mathematics); and "Project 2061—Science for all Americans" (American Association for the Advancement of Science). These and other reports containing recommendations for improving science and mathematics education are suggested reading. Among the important features of certain of these reports are their outlines of the knowledge and skills that every student should command—for example:

Elementary mathematics—Mental arithmetic and estimation; the use of calculators and computers; initial concepts of probability and data analysis; geometical shapes in 1, 2, and 3 dimensions; measurement; the use of symbolism; and the solving of a wide variety of problems.

Secondary mathematics—Develop greater abstraction and ability to reason inductively and deductively; understanding mathematics as a science of patterns; ability to reason algebraically and geometrically; and increased ability to make predictions, analyze data, and draw conclusions in situations involving uncertainty.

The physical sciences—How basic concepts of motion, matter, force, and energy, explain natural physical phenomena including laws of gravitation and energy conservation; the interconversion of matter and energy; the physical features of planet earth: its origin, position, shape, and the dynamics of climate and atmospheric structure and evolution of the universe; the interaction of theory and experiment; and the use of mathematics as a tool to understanding the physical sciences.

Living things—Diversity of type and similarity of cell structure; the interdependence of species and of life and physical environment; and the power of evolution to explain similarity and diversity of life forms. Human beings as organisms and species; life cycles; functions of the human body as a complex system of cells and organs, and their coordination; how biological, physical, chemical, social, psychological, cultural, and environmental factors affect human health; and human population and its interaction with other species and the physical and environmental phenomena of the earth and universe; and the ethics of experimentation.

Social and Behavioral Sciences—How the scientific approach to inquiry is important to the study of human nature and activities in fields of economics, psychology, sociology, anthropology, and others of the social and behavioral sciences; the relationship of these to the biological and physical sciences; and the role of mathematics in their development.

Technology—The synthetic nature of technology and the design of complex systems; the juncture of physical, biological, and human phenomena as they are taken into account by designers and engineers; and the role and influence of technology on the physical world, the environment, and the human condition—from agriculture to biotechnology.

General themes—Awareness of the personal satisfaction in "doing" science, and an appreciation of the preparation needed to pursue a scientific career; and understanding of the contributions of science to the lives of persons and societies; the history and philosophy of science, mathematics, and technology; and inter-disciplinary concepts such as systems, organization, stability and change in systems, and models.

Critical thinking skills and habits of mind—Scientific and mathematical ways of thinking and solving problems; the use of probability and statistics; practice in experimenting, gathering evidence, making and testing hypotheses, and constructing theories; working alone and in groups; practice in discovering patterns, estimating, making conjectures, and proving relationships; applications of practice to real and hypothetical situations; use of evidence and logic in making arguments and solving scientific, mathematical, and technological problems; and developing affirmative value systems and a commitment to ethics in scientific processes.

Encompassing Curriculum Themes

Learners need to be attracted to the study of science and mathematics. To help bring about the expanded knowledge and understanding called for in the reports cited above, significant programmatic strands or encompassing content themes should be employed to stimulate learning and to maintain unity and continuity. Such strands must have widespread appeal and be broadly based, allowing both for learning among discrete disciplines and the integration of content areas. Mathematics, good health and human development, and the environment are examples of encompassing themes.

Mathematics—Mathematics cuts across all levels of education and all disciplines, technical and non-technical. Learning mathematics is essential for all students. An informed electorate must be able to read and interpret complex and sometimes conflicting quantitative information. Professional and technical jobs require mathematically literate workers to understand the complexities of production, assimilate new information, solve unfamiliar problems in unconventional ways, and work cooperatively as well as independently.

Knowledge and skill in mathematics is an increasingly essential job qualification and vital to the enhancement of numerous personal opportunities. Possession of mathematical skills is critical to maintenance of career options. Failure to develop the mathematical abilities of females and minorities is a major cause of their underrepresentation in scientific and technical fields.

Good health and human development—Students need to develop a scientific view of the world and their place in it. The indices of "good health" in the United States are among the poorest in fully developed nations. For some decades its schools have not taught much about the science that underlies good health. Better health and better learning depend on and serve each other. Schools can build excellent science and mathematics education programs on topics such as advances in the nutritional sciences, human biology and individual development, progress in the medical sciences, and the effects of drugs and other substances on mental and physical well-being of self, family, and community.

The environment—The issues of the environment offer multiple and integrated ways to teach science and mathematics. In studying the ecology of the planet, opportunities arise to introduce principles of chemistry, biology, physics, botany, earth science, and engineering. The inclusion of environmental and ecological issues and phenomena in systemic reforms of curricular in mathematics, science, and technology can strengthen the preparation for effective citizenship.

6. Delivery of Instruction, Including the use of Educational Technology.

When curriculum content is changed or expanded, related improvements can be made to increase the effectiveness of teaching and learning. These include the design (or adoption) and implementation of vigorous, active learning opportunities that build on natural curiosity—gathering evidence, making hypotheses, experimenting, finding patterns, estimating, proving relationships, applying them to real situations, and using evidence and logic in making arguments.

A variety of teaching strategies and many different learning opportunities—in laboratories and in the field, alone and with peer groups, using paper and pencil and advanced information technologies—will be necessary to meet the demands of expanded content and well motivated students. Instruction should be "hands-on" from the earliest grades on. Appropriate education technologies as both tools for- and objects of- learning such as computers, robots, satellite television, videodiscs, and other technological teaching tools are important means for delivery of instruction. However, teachers and students control the technology, not the other way around. At all levels, cooperative activities with science and technology museums and other technologically-rich organizations can provide valuable experiences for all students and opportunities for all citizens to understand the issues of science and technology.

7. Assessment of Student Achievement

The raising of statewide learning standards and implementation of new curricula will require substantial changes in the instruments and techniques employed for the assessment of student progress and achievement. Even if there are no changes in learning standards and no new curricula are implemented, the stranglehold that current, rigidly fact-focused tests have on curriculum evolution must broken. Attention must be paid to evaluation elements that address problems of validity and accuracy in student assessment. Special attention must be given to the measurement of higher-order thinking skills, and to the influence that standardized, norm-referenced tests have on curriculum. Curriculum-change elements should be accompanied by parallel elements to reform student assessment techniques, particularly those used in local schools for accountability and for in-class assessment of progress as they apply to the learning of fundamental concepts in science, mathematics, and technology at all levels (elementary, middle, and high school; college undergraduate). These changes will contribute to the improved national assessments (especially those planned at the 4th, 8th, and twelfth grade levels) planned as part of the national effort to assure that our schools' diplomas truly reflect substantial achievement.

8. Facilities and Equipment

Awards made under this solicitation will not, in general, include support for improvement of facilities or for acquisition and maintenance of instructional equipment; other programs of the National Science Foundation address some of these needs, as do those of other federal agencies. The provision of facilities and equipment for statewide systemic initiatives, however, is one way in which partners in the effort, other than NSF, may contribute. Such contributions can be important to the cost sharing that is expected in all projects, and should be detailed in the proposal. Special efforts are needed to assure that women, minorities, and disabled persons have access to educational technology.

9. Articulation Within the System

A major cause of the weaknesses in present systems of teaching and learning science, mathematics, and engineering is the compartmentalization of the system into separate subjects, courses, grade levels, disciplines, departments, and isolated management functions. The effects of improvements in one element may be largely negated by the impact of the change on the others. These problems may occur at many points: between grade levels in schools; at the school-college transition; between two-year and four-year institutions; between different subject matter areas at any educatonal level; and between the world of education and the world of work. Effective and lasting systemic change must include the breaking down of artificial barriers through determined efforts to articulate all of the elements of the system. Systemic changes will have little effect without an analysis of the relationships of each element of a system to all of the other elements and the development of mechanisms to avoid or correct problems related to lack of articulation. Articulation is clearly a central point around which systemic changes must revolve.

10. Accountability Systems

Planning for systemic changes should include review and reconsideration of policies and procedures by which individuals and institutions are held accountable for science, mathematics, and engineering education. The review should cover the means by which states and major subordinate organizations document, measure, and report on system resources, allocations, programs, procedures, and outcomes; and should include the ways in which incentives are provided to organizations and individuals. Accountability and incentive systems must reinforce the content and process goals of systemic changes.

(OMB No. 3145–0058)

Dated: April 17, 1990.

Charles R. Eilber,

Program Director, SEE/TPE

[FR Doc. 90–9348 Filed 4–20–90; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Genetics; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Genetics.

Date and Time: Monday, Tuesday, and Wednesday May 14, 15, and 16, 1990; 8:30 to 5 p.m.

Place: The National Science Foundation, 1800 G. St., NW., room 1243.

Type Meeting: Closed.

Contact Person: Robert Brumbaugh, Program Director, Eukaryotic Genetics, room 325J, Telephone: (202) 357–0112.

Purpose of Advisory Panel: To provide advice and recommendations concerning suport for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of proposals U.S.C. 552b(c), Government in the Sunshine Act.

Dated: April 18, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–9349 Filed 4–20–90; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of appendix A to 10 CFR part 50 to Duquesne Light Company (the licensee, acting as agent for the above utilities), for the Beaver Valley Power Station, Unit 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The exemption would allow deviations from the requirements of General Design Criterion (GDC) 57 of appendix A to 10 CFR part 50 for certain piping of the auxiliary feedwater system. Specifically, the exemption would permit the use of check valves as containment isolation valves, contrary to what GDC 57 prohibits.

The exemption is responsive to the licensee's application dated July 8, 1989.

The Need for the Proposed Action

The proposed exemption is needed because special circumstances are present in that literal application of the regulation is not necessary to achieve the underlying purposes of the regulation; features comparable with the requirements of the regulation are available. If the exemption is not granted, additional costs would be incurred by the licensee with no increase in the degree of safety.

Environmental Impacts of the Proposed Action

The proposed exemption will provide assurance of containment isolation that is equivalent to that required by GDC 57 of appendix A such that there is no increase in the risk of radiological release at the facility. The probability of accidents would not be increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential non-radiological impact, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for the exemption dated July 8, 1989, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland this 16th day of April, 1990.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Acting Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–9318 Filed 4–20–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR–20, issued to Consumers Power Company (the licensee) for operation of the Palisades Plant (the facility), located in Van Buren County, Michigan.

The proposed amendment would revise the requirement of Technical Specification (TS) 3.3.1.b by relaxing, for a limited time, the boron concentration requirement for Safety Injection (SI) Tank T–82A. Additionally a temporary surveillance requirement would be added to Table 4.2.1, Item 5. The licensee's application for amendment is dated April 11, 1990.

Specifically, the Amendment would add a footnote applicable to TS section 3.3.1.b to permit the boron concentration of SI Tank T–82A to be as low as the primary coolant system (PCS) boron concentration and as high as 2000 ppm. The amendment would also add a footnote to Table 4.2.1, Item 5 to require a sample to be taken of the contents of SI Tank T–82A within one hour of a PCS boron concentration change greater than 80 ppm below the equivalent full power value. These footnotes would be effective until the sooner of September 30, 1990, or the end of Cycle 8.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment

request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed changes against the above standards as required by 10 CFR 50.91(a). The Commission has reviewed the licensees evaluation and agrees with it. The Commission has concluded that:

A. The change does not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the probability of the accident of concern, a loss of coolant accident (LOCA), is not affected by reducing the boron concentration in one SI Tank. Having one SI Tank with boron concentration as low as the PCS boron concentration will not increase the consequences of a LOCA since sufficient boron remains in the remaining SI Tank to maintain the reactor subcritical. The change in boron concentration does not alter the configuration of the plant or the manner in which it is operated, so the probability of the accident is not increased.

B. The change does not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because the reduction in minimum boron concentration for one SI Tank does not change the function of the SI Tanks or their interface with other systems.

C. The change does not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because even with one SI Tank having a boron concentration as low as the PCS boron concentration, K_{eff} would remain less than 1.0 in all applicable accident scenarios. For a Large LOCA, the boron in the PCS would be slightly less for a short period but, the effect on K_{eff} is not significant because of the large amount of boron being added by the high and low pressure safety injection systems.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 23, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document room located at the Van Zoeren Library, Hope College, Holland, Michigan 49423. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission on by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domínic C. DiIanni: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 11, 1990, which is available for public inspection at the Commission's Public Document room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the local Public Document room located at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 17th day of April 1990.

For the Nuclear Regulatory Commission.

Albert W. De Agazio,

Sr. Project Manager, Project Directorate III–1, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

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Docket Nos. 030–00582, 030–06886, 070–00053; License Nos. 06–00183–03, 06–00183–06, SNM–52, EA 89–131

Yale University, New Haven, CT, Order Imposing Civil Monetary Penalties

I

Yale University (the licensee), New Haven, Connecticut 06520 is the holder of NRC Materials License Nos. 06–00183–03, 06–00183–06, and SNM–52 issued pursuant to 10 CFR parts 30 and 70 on December 6, 1956, March 12, 1958, and May 25, 1965, respectively. The licenses authorize the licensee to use licensed material for research and development, teaching and training of students, calibration of instruments, and performing irradiations in accordance with the conditions specified in the licenses. The licenses were most recently renewed on May 23, 1989; February 4, 1987; and May 23, 1989, respectively, and are due to expire on May 31, 1994; February 29, 1992; and May 31, 1994, respectively.

II

An NRC safety inspection of the licensee's activities under these licenses was conducted at the licensee's facility from May 30 to June 2, 1989. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties (Notice) and Order to Show Cause Why the Licenses Should Not Be Modified was served upon the licensee by letter dated September 29, 1989. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice by letter dated December 20, 1989, and to the Order by letter dated January 16, 1990. In its response to the Notice, the licensee admitted the violations, but requested mitigation of the proposed civil penalties for the violations in sections I and II of the Notice.

III

Upon consideration of the licensee's response and the statement of facts, explanation, and argument for mitigation contained therein, the NRC Staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (act) 42 U.S.C. 2282, and 10 CFR 2.205, *It is hereby ordered That:*

The licensee pay a civil penalty in the amount of $12,000 within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. A copy of the hearing request shall also be sent to the Assistant General Counsel for Hearings and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the Regional Administrator, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

If a hearing is requested, the Commission will issue an Order

designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of the violations set forth in the Notice and admitted by the licensee, this Order should be sustained.

Dated at Rockville, Maryland, this 13th day of April 1990.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluations and Conclusions

On September 26, 1989, a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was issued to Yale University for violations identified during an NRC inspection completed in June 1989. The licensee responded to the Notice by letter dated December 20, 1989. In its response to the Notice, the licensee admits that the violations occurred, but requests mitigation of the respective $5,000 and $6,250 civil penalties for the violations set forth in Sections I and II of the Notice. The NRC's evaluation and conclusion regarding the licensee's arguments are as follows:

Restatement of the Violations in Sections I and II of the Notice

I. A. 10 CFR 20.101(a) limits the radiation dose to the extremities of an individual in a restricted area to 18.75 rems per calendar quarter.

Contrary to the above, during the first calendar quarter of 1989, an individual working in room 302 of the Farnam Memorial Building, a restricted area, received an extremity radiation dose of 178 rem to the tip of the middle finger of the left hand while handling microcurie quantities of iodine-125.

B. 10 CFR 20.301 requires that no licensee dispose of licensed material except by certain specified procedures.

Contrary to the above, between February 23, and April 19, 1989, a research investigator disposed of approximately 0.1 microcuries of iodine-125 in the normal trash, a method not authorized by 10 CFR 20.301. Specifically, the investigator disposed of materials which he eluted from a protein separation column that contained residual iodine-125.

C. 10 CFR 20.201(b) requires the licensee to make such surveys as (1) may be necessary to comply with all sections of 10 CFR part 20, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the use or presence of radioactive materials under a specific set of conditions.

Contrary to the above, between February 23 and April 3, 1989, a researcher failed on at least six occasions to perform a survey or evaluation to determine whether residual iodine-125 remained in a protein separation column before discontinuing radiation safety precautions for the use and handling of that column, and this failure was a principal factor contributing to violations of 10 CFR 20.101 and 20.301.

D. Until the license was renewed on May 23, 1989, Condition 21 of License No. 06–00183–03 required, in part, that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in an application dated May 15, 1979, including a manual of Radiation Safety Procedures dated July 1977.

Item 4.a. on page 5 of the manual of Radiation Safety Procedures included with the May 15, 1979 application requires that each individual who has contact with radioactive materials utilize all appropriate protective measures, such as wearing gloves when necessary. Item 5 of an application approved by the Radiation Safety Sub-Committee for a specific Principal Investigator in January 1989 requires that gloves be worn for handling iodine-125.

Contrary to the above, between March 6 and April 19, 1989, an individual using radioactive material under the application in January 1989 by the Radiation Safety Sub-Committee for that specific Principal Investigator did not wear gloves when he used microcurie amounts of iodine-125, which contributed to the exposure identified above.

These violations have been categorized in the aggregate as a Severity Level III problem. (Supplement IV)

Cumulative Civil Penalty—$5,000 (assessed equally among the 4 violations)

II. A. Condition 21 of License No. 06–00183–03 requires that licensed material be possessed and used in accordance with the statements, representations and procedures contained in various applications and letters. Until the license was renewed on May 23, 1989, this condition included an application dated May 15, 1979, including a manual of Radiation Safety Procedures dated July 1977, and a letter dated May 20, 1982. Following renewal, this condition includes an application dated August 10, 1987 and a letter dated December 21, 1987.

1. Item 9 of the letter dated May 20, 1982, requires that applications for authorization to use radioactive material include an outline of the experimental procedure.

Contrary to the above, as of May 23, 1989, approximately 60 authorizations (approved by the Radiation Safety Sub-Committee) did not include an outline of the experimental procedure. Specifically, most applications used only one or two lines to describe the program, and did not include details of techniques which would be used in the experiments. For example, an application was approved in January 1989, which allowed the use of iodine-125 to perform iodinations, and that application did not include an outline of the experimental procedure.

2. Item 14 of the licensee's application dated May 15, 1979, provides that the Radiation Safety Committee has authority to grant permission for the use of isotopes, and that procedures for the use of radioactive materials are outlined in committee recommendations issued to approved investigators.

Item 3 in the recommendations issued to an approved investigator on January 26, 1989, provided that persons performing iodinations must have their thyroids monitored within one or two days following iodination.

Contrary to the above, on March 7, March 14, and March 31, 1989, an individual performed iodinations using one millicurie of iodine-125 under the Authorization issued in January 1989 to that specific Principal Investigator, and the individual did not have his thyroid monitored until April 19, 1989.

3. Item 9 of the May 20, 1982 letter requires that radiation technicians perform surveys in all laboratories using radioisotopes on a quarterly basis.

Contrary to the above, during the last three quarters of 1988, laboratories where radioactive materials were used were not surveyed by the radiation technicians on a quarterly basis. Specifically:

a. between April 1 and June 30, 1988 (the second quarter), only 484 of the approximately 530 laboratories were surveyed;

b. between July 1 and September 30, 1988 (the third quarter), only 311 of the approximately 530 laboratories were surveyed; and

c. between October 1 and December 30, 1988 (the fourth quarter), only 452 of the approximately 530 laboratories were surveyed.

4. The item entitled, "Radioactive Waste Disposal," on page 9 of the manual of Radiation Safety Procedures included with the May 15, 1979, application requires that records be maintained of all disposals of radioactive material. Item 11, "Radioactive Waste Management and Procedures" of the application dated August 10, 1987, requires that appropriate records be maintained for all waste streams. 10 CFR 30.51 requires the licensee to keep records showing the disposal of byproduct material.

Contrary to the above, as of May 30, 1989, records were not maintained of monthly disposals of animal carcasses, which had been administered millicurie quantities of phosphorus–32, and which were held for decay and then disposed of as non-radioactive waste by laboratory personnel.

5. Item 2 under "Authorized Principal Investigator Responsibility" on page 3 of the manual of Radiation Safety Procedures included with the May 15, 1979 application and Item 8 of the application dated August 10, 1987, require that the Principal Investigator train individuals in specific laboratory safety procedures prior to these individuals beginning their work with radioactive materials.

Contrary to the above, from March 23 to June 2, 1989, an individual used 200 microcuries of hydrogen–3 per week, and the Principal Investigator had not instructed the individual in certain laboratory safety procedures prior to the individual beginning work with radioactive materials. Specifically, the individual was not instructed on the appropriate techniques for performing radioactive contamination surveys or in the University's prohibition of consuming

beverages in areas where radioactive materials are used.

B. Condition 19 of License No. 06–00183–06 requires that radioactive material with a physical half-life of less than 65 days be held for a minimum of 10 half-lives prior to disposal as non-radioactive waste.

Contrary to the above, as of May 30, 1989, animal carcasses, which has been administered millicurie amounts of phosphorus–32 (which has a physical half-life of 14 days), were not held for the minimum 10 half-lives prior to disposal as non-radioactive waste; rather, they were routinely disposed after being stored for only seven half-lives.

These violations have been categorized in the aggragate as a Severity Livel III problem. (Supplements IV and VI)

Cumulative Civil Penalty—$6,250 (assessed equally among the 6 violations).

Summary of Licensee Response Requesting Mitigation of the $5,000 Civil Penalty Proposed for the Violations in Section I of the Notice

Summary of Licensee Response

With respect to the violations in Section I of the Notice, the licensee asserts that Violation I.A (involving the overexposure to a research investigator) was an isolated incident that was identified and promptly reported to the NRC. The licensee further states that the exposed individual suffered no adverse effects from the overexposure and also states that its corrective actions (which included an investigation by the Radiation Safety Committee, removal of the individual from radiation work, requiring the individual to appear before the RSC to explain the incident, and instructions to the other Principal Investigators) were promptly taken. Furthermore, the licensee asserts that it has no record of past reportable radiation overexposure, and maintains that its prior performance in this area has been good. On this premise, the licensee believes that the NRC's characterization of its prior compliance history as "poor" is neither accurate nor fair.

The licensee also maintains that the remaining violations in section I of the Notice (Violations I.B, I.C and I.D) were precipitated by Violation I.A and should be similarly mitigated. The licensee asserts that prompt actions were adopted to correct the violations and prevent recurrence, and that Violations I.B and I.C did not result in additional exposures. For these reasons, the licensee contends that the base civil penalty for these violations should be mitigated rather than escalated by 100% as proposed.

NRC Evaluation of Licensee Response

The NRC acknowledges that the licensee reported the overexposure to the NRC once it was identified. However, in determining whether escalation or mitigation of a civil penalty is warranted under section V.B.1 of the Enforcement Policy, the NRC also considers the opportunities available for the licensee to discover the violation, as well as the relative ease of discovery. In this case, an opportunity existed to identify this violation sooner. Specifically, if, as required by License Condition 21, a routine thyroid burden measurement (bioassay) had been taken within two days of the research investigator's iodination (during which the overexposure is believed to have occurred), the overexposure would have been identified approximately 6 weeks sooner. Therefore, although the overexposure, once identified, was promptly reported to the NRC, the NRC has concluded that the failure to identify the violation sooner indicates that no basis for mitigating the penalty has been provided based on this factor.

The licensee states that the exposed individual suffered no adverse effects from the overexposure. Normally, violations involving an extremity exposure of 178 rem would be classified at Severity Level II. In deciding to downgrade the classification of the violations in section I from a Severity Level II to a Severity Level III problem, NRC has already taken into account the fact that the individual likely suffered no adverse effects from the overexposure. Further mitigation on this basis is not appropriate.

The NRC has considered the licensee's assertion that the civil penalty should be mitigated because its corrective actions in response to the overexposure (as well as the other violations in section I of the Notice) were prompt. However, since corrective actions are always required whenever a regulatory violation occurs, mitigation of a civil penalty based on this factor must include consideration of both the promptness and comprehensiveness of those corrective actions.

In this case, while the licensee's corrective actions for the violations set forth in Section I of the Notice were adequate, these actions focused narrowly on the particular deficiencies that led to the overexposure and did not address the broader programmatic issues associated with these violations. For example, although the other Principal Investigators were informed of the overexposure incident, and were "reminded" of the necessity of monitoring research apparatus, no additional formal training was provided to the staff to emphasize the importance of performing research activities in conformance with the procedures established in the authorization for use of radioactive material. In addition, although measures were instituted to detect deficiencies in procedures contained in the renewal of authorization for use, no measures were implemented to ensure that investigators were complying with these procedures during the actual performance of their research. Therefore, given the size of the licensee's program and the number of authorized users, the licensee's actions to correct the violations in Section I of the Notice were not considered sufficiently comprehensive to warrant mitigation of the civil penalty.

With respect to the licensee's argument that the civil penalty for the violations in Section I should not be escalated based on its past performance, the NRC acknowledges the licensee's statement that no other overexposures have occurred within the licensee's research program, notwithstanding the large size of the program. However, in our view, many of the same problems associated with the licensee's poor past performance contributed in substantial part to the overexposure and associated violations. These problems persisted even though NRC previously identified them as matters requiring the licensee's attention. Among them, the Radiation Safety Committee (RSC) was not providing sufficient oversight of the Radiation Safety Program, the substance and frequency of audits of the program by the RSC and the Radiation Safety Office were insufficient, and authorizations for use of licensed materials issued to individual principal investigators lacked specificity regarding the requirements to be met.

Therefore, after considering the licensee's request for mitigation of the civil penalty for the violations in Section I of the Notice, the NRC has determined that such mitigation is not appropriate.

Summary of Licensee Response Requesting Mitigation of the $6,250 Civil Penalty Proposed for the Violations in Section II of the Notice

Summary of Licensee Response

The licensee generally asserts that the violations set forth in Section I of the Notice should have no bearing in determining the penalty for the violations in Section II of the Notice, since these violations (in Section II) did not result in the reported exposure of anyone to radioactive material. Further, the licensee states that escalation of the base civil penalty by 100% is not warranted because none of the violations in Section II were repeat violations. Additionally, the licensee asserts that 50% escalation of the base civil penalty because the NRC had identified the violations is inappropriate since the licensee had already identified and initiated actions to improve performance in this area.

Specifically, with respect to Violation II A.1, the licensee asserts that 50% mitigation rather than 100% escalation of the civil penalty is warranted in light of its "self-corrective" action in advance of the NRC inspection, and prompt augmented action to devote additional personnel to compliance. The licensee maintains that it had recognized the desirability of requiring an outline with greater information requirements for renewal authorizations, and had taken steps, commencing on December 15, 1988, to develop a new renewal form. The licensee states that this form was revised by the Radiation Safety Committee (RSC) on March 29, 1989 and had been in use for some months.

With respect to Violation II.A.2, the licensee states that a thyroid count is not always required within 1 to 2 days following an iodination. The licensee argues that the January 26, 1989 cover letter from the RSC to the investigator erroneously characterized a recommendation (which called for a thyroid count within two days of iodination) as a requirement. The licensee states the RSC's intent of the statement was that discretion (to perform the count) was left to the investigator. Therefore, the licensee contends that the investigator actually followed the policy intended by the RSC when he did not obtain the thyroid count after the iodination procedure.

With respect to Violation II.A.3, the licensee asserts that its inability to complete all of the quarterly surveys of each of its laboratories in 1988 is not a situation that it had "failed to identify and correct." The licensee states that it had established an ambitious monitoring program because of its concern for proper safety and management, and it had failed to meet the program requirements due to resource problems, and not because of program management. The licensee also states that prior to the NRC inspection, a radiation safety reorganization was being put into place to address this deficiency, and that corrective steps initiated by the licensee were addressing this issue when the violations were identified.

With respect to violations II.A.4 and II.B, the licensee argues that these violations involved discrete and isolated incidents. The licensee asserts that these violations did not result in personnel radiation exposures, were not condoned by or known to the Radiation Safety Committee or Yale, and were promptly dealt with upon discovery. Further, the licensee states that steps designed to prevent these types of incidents from occurring generally were already being developed by the licensee when the violations occurred. With regard to Violation II.A.5, the licensee argues that this incident was an isolated lapse and that Yale took prompt and effective corrective action.

For the reasons set forth above, the licensee contends that mitigation (rather than escalation) of the penalty is warranted.

NRC Evaluation of Licensee Response

The NRC agrees with the licensee's assertion that the violations in Section I should have no direct bearing on the assessment of a civil penalty for the violations in Section II of the Notice. The violations in Section I were classified in the aggregate at Severity Level III based on the severity of the specific overexposure incident, whereas the violations in Section II reflect weaknesses in the overall Radiation Safety Program. For this reason, the violations and associated civil penalties were categorized into separate areas of concern and were each independently assessed a civil penalty in accordance with the guidance set forth in the Enforcement Policy. The violations in Section I were not considered in determining whether a basis existed for escalation of the civil penalty in Section II.

The NRC did conclude, however, that the licensee's past performance prior to the inspection did provide a basis for 100% escalation of the civil penalty for the violations in Section II of the Notice. This NRC decision was premised on the fact that the NRC identified twenty violations during the previous four NRC inspections, and also assessed two civil penalties to the licensee as a result of specific violations identified during NRC inspections in 1984 and 1988. While the NRC recognizes that none of the violations in Section II of the Notice were repetitive, the licensee's past performance was nevertheless poor. Furthermore, if any of the violations had been repetitive, then separate civil penalties could have been assessed for each repetitive violation, similar to the civil penalty issued for the violation in Section III of the Notice which involved repeat examples of eating or drinking in areas where radioactive materials are used.

With respect to Violations II.A.1 (involving a failure to include an outline of experimental procedures in Authorization Renewals) and II.A.3 (involving a failure to perform quarterly surveys of laboratory areas), the NRC acknowledges that the licensee decided to revise the Renewal Authorization forms in December 1988 to require a procedure outline with more detailed information, and also reorganized the Radiation Safety Department to address inadequate laboratory surveys. Nonetheless, during the May-June 1989 inspection (which was five months after the decision to revise the Renewal Authorization forms, and after completion of the radiation safety reorganization), the NRC identified approximately 60 Authorizations in which the outlines were inadequate, as well as numerous examples of the failure to survey laboratory areas. Therefore, consistent with Section V.B.1 of the enforcement policy, no consideration was given to a reduction in a civil penalty on this factor since the licensee did not take immediate action to effectively correct the problem upon discovery. Furthermore, the licensee did not advise the NRC of these violations either prior to or during the inspection. Therefore, the NRC concludes that mitigation of the civil penalty based upon this factor is not warranted.

With respect to Violation II.A.2 (failure to perform thyroid monitoring within two days of performing an iodination), the NRC disagrees that mitigation of the civil penalty is warranted. The cover letter to the Investigator authorizing his use of radioactive material clearly established that thyroid monitoring was to be performed within two days of an iodination. Therefore, the NRC concludes that the violation occurred as stated and mitigation of the civil penalty is not warranted.

With respect to the licensee's explanation concerning Violation II.A.3, NRC views the assurance of adequate resources as a necessary and integral aspect of the proper management of any radiation safety program. NRC does not condone the lack of sufficient resources to carry out radiation safety commitments, nor do the licensee's resource problems excuse the violation.

With respect to violations II.A.4, II.A.5 and II.B, the NRC acknowledges the licensee's statement that these violations were not condoned by or known to the Radiation Safety Committee. If they had been, NRC would have increased the Severity Level and further escalated the enforcement action. However, the fact that a violation was not willful does not form a basis for mitigation of a civil penalty. NRC also agrees that these violations, if considered as isolated or discrete incidents, would be of minor safety significance. However, when considered collectively with the other violations set forth in Section II, these violations demonstrate a lack of management oversight of licensed activities and, as such, were appropriately classified in the aggregate as a Severity Level III problem.

Furthermore, the corrective actions for these violations were not considered extensive because they focused on the individual aspects of each violation and did not address the broader areas of concern, specifically, the lack of adequate management and supervisory oversight of daily activities in the various laboratories. In addition, although the licensee asserts that steps had already been taken in December 1988 to revise the Renewal Authorization forms to require additional requirements for waste disposal, these violations demonstrate that the licensee's actions have not been sufficiently comprehensive to correct the deficiencies. Therefore, the NRC concludes that no adjustment to the proposed civil penalties on this factor is warranted.

NRC Conclusion

The licensee did not provide a sufficient basis for mitigation of the amounts of the civil penalties for the violations in Sections I and II of the Notice. Therefore, the NRC concludes that civil penalties in the amounts of $5,000 and $6,250 should be imposed for the violations in Sections I and II, respectively. In addition, the licensee did not request mitigation of the $750 civil penalty for the violation in Section III of the Notice. Therefore, the NRC concludes that a civil penalty of $750 should be imposed for the violations in Section III.

Therefore, the NRC concludes that a cumulative civil penalty in the amount of $12,000 should be imposed.

[FR Doc. 90-9317 Filed 4-20-90; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27910; File No. SR-CSE-90-06]

Self-Regulatory Organization; Filing of Proposed Rule Change by the Cincinnati Stock Exchange Relating to the Preferencing of Public Agency Market and Marketable Limit Orders by Approved Dealers and Other Proprietary Members

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 23, 1990, The Cincinnati Stock Exchange (the "CSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. The Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Cincinnati Stock Exchange proposes to add Rule 11.9(u) and to amend Rule 11.9(l) and (m) in order to

modify the Exchange's time priority rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify the CSE's time priority rules in order to permit a market maker to act as Dealer of the day and have priority over same-priced market makers or professional agency interests entered prior in time to his bid or offer when the market maker is interacting with the public agency market and marketable limit orders which he represents as agent.

CSE is committed to increasing the amount of retail business transacted on the Exchange. CSE has worked diligently to meet this commitment by (1) developing electronic interfaces with retail order-delivery systems, and (2) increasing the number of issues covered in the National Securities Trading System ("NSTS") through the creation of a primary Designated Dealer category of market maker. This new category provided an incentive for members to become Designated Dealers in issues not yet traded in NSTS by establishing them as permanent Dealer of the day in such issues, thereby obligating them to guarantee public market orders up to 2099 shares at the national best bid or offer even if other Designated Dealers subsequently become registered in the primary Designated Dealers' issues.

The primary Designated Dealer category did not go far enough to overcome the lack of incentive in CSE's multiple market maker environment for a market maker dealer to direct his own retail order flow to the Exchange. The primary Designated Dealer category is only available for specific issues, and CSE's rules require that book interest at the national best bid or offer be satisfied before a public agency market order is executed against the Designated Dealer of the day. This means that a Designated Dealer can lose all or a portion of his public orders to other market makers who are quoting at the national best bid or offer. The proposed rule change represents the next step in the Exchange's effort to attract retail order flow because it permits one market maker to preference itself over other professionals with respect to order flow that it is directing to the Exchange.

The time priority of same-priced public agency orders would not be impacted by the proposed rule change, which relates only to preferencing one market professional over another in limited circumstances. Public agency interest in the Exchange's central limit book would have to be satisfied up to the size of the market maker's preferenced order, and, to the extent that the peferenced market maker's public order matched contra public orders in the book, the trade would occur without the intervention of the market maker as principal. Because the public book would continue to be protected, the public would not be disadvantaged by the proposed rule change. The public, in fact, would benefit from the increased liquidity supplied by CSE market makers, who now would be required to execute public limit orders in the book which are priced at the national best bid or offer as a prerequisite to interacting with their own public order flow.

The Securities and Exchange Commission validated the concept of preferencing in SEC Release 34–21743 (February 12, 1985), which approved rules for the Small Order Execution System of the National Association of Securities Dealers ("NASD"). CSE's proposed rule change goes one step further than the NASD rules by requiring protection of the public book.

In addition to continued protection of the public book, the proposed rule change would also ensure that members continue to meet their fiduciary obligation to achieve the best execution for their customers. All public market orders would continue to be executed at the national best bid or offer.

The CSE believes that the proposed rule change is a necessary competitive response which recognizes the realities of a changing market environment with respect to retail order flow. Competitive pressures have led many brokerage firms to become specialists on regional exchanges so that they can interact with their own customer orders. In order to provide brokerage firms with efficient, cost-effective service and effectively compete with the other exchanges for retail order flow, CSE has determined that it is necessary to modify its rules of priority in the limited manner described herein.

The proposed rule change is consistent with the provisions of section 6(b) of the Act in general and, in particular, furthers the objective of section 6(b)(5) because it will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE believes that the proposed rule change will not impose any burden on competition with is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The CSE solicited comments on the proposed rule change from other Intermarket Trading System participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 14, 1990.

For the Commission, by the Division of Market Regulation, pursuant to

delegated authority, 17 CRF 200.30–3(a)(12).

Dated: April 17, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–9382 Filed 4–23–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27908; File No. SR–NASD–90–15]

Self-Regulatory Organization; Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Service Charges for Automated Confirmation Transaction Service

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 16, 1990, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing an amendment to part IX of Schedule D of the By-Laws to establish a fee for a service desk for the Automated Confirmation Transaction Service ("ACT") to assit ACT participants that do not have NASDAQ equipment and conduct a minimal amount of trading.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The ACT Service is designed to facilitate comparison and clearing of inter-dealer over-the-counter equity trades. ACT requires input of trade information in close proximity to the time of execution by the participants to the trade and ACT processing matches or compares trade data and submits matched "locked-in" trades to clearing. Participation in ACT by self-clearing firms was approved by the Commission in September 1989 [3] and the NASD has been phasing the service in since that time. Self-clearing broker-dealers with NASDAQ compatible equipment, both terminal based and computer interface, have begun participating, and as of February 2, 1990 all NASDAQ securities have been eligible for inclusion in ACT processing.

ACT is a mandatory service for all NASD members that are members of a registered clearing agency or have an access arrangement with such a member. In order to participate in ACT, however, a member must have NASDAQ compatible equipment, which currently includes Harris terminals, NASDAQ approved foreign terminal interface equipment or NASDAQ Workstations.™ The Association is aware that there are NASD members operating without such equipment, and for such members that also transact a minimal number of trades per day, will establish an ACT service desk.

The NASD will operate an ACT service desk in a fashion similar to the Trade Acceptance and Reconciliation Service desk, approved by the Commission in January 1989,[4] and will offer the facilities of the service desk to members with no NASDAQ equipment and an average of five or fewer trades per day. NASD personnel manning the service desk will receive ACT trade report information from the member and input that data into the system for normal ACT processing. Finally, because members using the service desk have no NASDAQ equipment, they will not be able to review the accuracy of ACT input firsthand, but will have to rely on the contra side, detecting any errors and on clearing contract sheets furnished on T+1.

The statutory basis for the amendment to the proposed rule change is found in section 15A(b)(6) of the Securities Exchange Act of 1934. Among other things, section 15A(b)(6) requires that the Association's rulemaking initiatives be designed to foster cooperation and coordination with persons engaged in clearing, settling and facilitating transactions in securities. As described in detail above, the ACT service will facilitate the prompt and accurate clearance and settlement of trades by comparing the trades automatically and transmitting locked-in trades to clearing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the Amendment to the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of purposes of the Act. Although use of the ACT system will be mandatory for all broker-dealers with clearing arrangements, the benefits of ACT, increasing the efficiency of post trade comparison and reducing the length of time that investors and members are exposed to market risk from uncompared trades, outweigh any potential competitive burden.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the amendment were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) (A) of the Securities Exchange Act of 1934 and subparagraph (e) of Rule 19b-4 thereunder because the proposal is "establishing or changing a due, fee or other charge." At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5

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[3] Release 34–27229, dated September 7, 1989.

[4] Release 34–26488, dated January 25, 1989.

U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by May 14, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: April 7, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-9383 Filed 4-23-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27909; File No. SR-NASD-90-21]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Service Charges for the Digital Interface Service

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 12, 1990, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds a section to Schedule D of the NASD By-Laws establishing service charges for delivery of the Digital Interface Service ("DIS"). The NASD is offering DIS to market makers as an alternative, flexible method of receiving NASDAQ Workstation™ information.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Digital Interface Service ("DIS") has been designed to offer NASDAQ market makers an alternative method of receiving broadcast data and Level 3 service. The DIS offers market makers with numerous terminals or specialized automation needs the flexibility to interface with the NASDAQ network without being limited to individual Harris terminals or NASDAQ Workstation™ display devices. The DIS supports either dedicated or shared use workstations on local area networks employing standard protocols. In contrast to NASD designed NASDAQ Workstation™ screen displays, the DIS user can develop it own screen configurations, increase functionality to suit its individual needs, and provide for redundancy and emergency back-up for overall improved service quality.

Access to the NASDAQ network has been an evolutionary process. Harris terminals offer a limited mode of access to the NASDAQ network using monochrome screens, a minimal capacity for viewing quotes at any one time on a screen, and a bid/ask query system to get the most recent quotations. Foreign terminal interface devices were permitted to allow firms to emulate Harris terminals using display devices of their own development and choosing, subject to NASDAQ approval. NASDAQ Workstations™ were developed to allow subscribers to perform Level ⅔ functions on a color monitor personal computer. The Workstation offers market minding with dynamic updates (including limit break notices and depth/number of market makers at the inside alerts), personal tickers, bid/ask retrieval with dynamic screen updates, an unsolicited message area, on-screen menus and five different viewing screens, three of which can be user customized.

The Digital Interface Service uses Workstation software design as a basis, and "unbundles" telecommunication and data management for the subscriber. The telecommunication interface to the NASDAQ network remains the same as the NASDAQ Workstation™, but a new local area network ("LAN") interface will be used to deliver the information to market making devices of the subscribers own choosing. This LAN interface resides in a "server" that sits on the subscriber's LAN, and the server is dedicated to NASDAQ so that the operational integrity of the network is not threatened by any other message traffic. DIS should have no impact on NASDAQ network capacity because the universe of end users, in this instance market makers, remains constant, whether using Harris terminals, NASDAQ Workstation™, or the Digital Interface Service.

DIS subscribers receive NASDAQ data and format that data on a customized basis. For operational and security reasons, subscribers are limited to sixteen (16) physical devices per server. Each server will be uniquely configured to service up to 16 market maker "addresses" and will maintain the security and data integrity of the NASDAQ network through user-specific log-on IDs and user IDs, with corresponding network addresses, unique to the server.[1]

After the market maker logs on to the system, the DIS server will operate in two modes simultaneously: broadcasting quotes and trade reports to the devices authorized to receive the data, and submitting market maker entries (e.g. quote updates, ACT trade reports, etc.) into the NASDAQ network, as if emanating from NASDAQ Workstation™. The DIS broadcast service will be available for up to 640 different issues designated for market minding and up to 4,800 different issues designated for personal tickers per server.

Pricing for the Digital Interface Service has been designed to recover, over a five-year period, the fully allocated costs of developing the service and to recover the annual expenses incurred in providing dedicated technical support for the product. The DIS service charge of $1,300/month per server is a basic rate service charge that licenses the DIS software to the firm and is geared to recover development and operating costs. The charge is applied to each server that would be necessary to support 16 terminal devices and its attendant communications circuit. For example, if a firm wanted to operate 40 terminals in their trading room providing NASDAQ service through the DIS, they would need a minimum of three servers, at a monthly expense of $3,900. In addition to the basic rate for servers, each terminal display receiving NASDAQ Level 3 service will be charged the display rate of $345, corresponding to current charges for each NASDAQ Workstation™ display.

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[1] The 16 DIS addresses will also be used by the NASD's Market Surveillance Department in the same fashion that NASDAQ Workstation™ addresses are used to identify traders within firms.

if the firm decides to configure fewer than 16 displays per server, for additional redundancy or emergency back-up capabilities, the charge per additional circuit required would be $500/month. For example, the firm with 40 terminals may choose to put only 10 traders on each server. Although only three servers would be necessary from an operational perspective, that firm would be using four servers. While the additional server would not incur a service charge, the additional communications circuit required would incur a $500 monthly fee.

Finally, the equipment charge of $290/month for each DIS unit would recover the costs of modems, modem maintenance, and communications dispatch time spent in troubleshooting communications outages.

The statutory basis for the proposed rule change is found in section 15A(b)(5) of the Securities Exchange Act of 1934 ("Act"). Section 15A(b)(5) requires that the rules of the NASD "provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the association operates or controls." The Digital Interface Service fee structure has been formulated on the basis of the costs of developing and operating that service.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received; however, the pricing of Digital Interface Service was considered by a special sub-committee of members that are currently testing the service, and was approved by them and recommended to the NASDAQ, Inc. and NASD Boards for approval.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so doing or (ii) as to which the NASD consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by May 14, 1990.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: April 17, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-9384 Filed 4-23-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-90-17]

Petitions for Exemption; Summary of Petitions Received; and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 14, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on April 18, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 12638.

Petitioner: Air Transport Association of America.

Sections of the FAR Affected: 14 CFR 121.99 and 121.351(a).

Description of Relief Sought: To amend Exemption No. 2081L that allows Eastern Airlines, Inc., Pan American World Airways, and Trans World Airlines to dispatch part 121 aircraft subject to certain conditions and limitations over certain ocean areas with one of the two required high-frequency radios inoperative at the time of departure. The amendment would grant similar relief to American Trans Air, Inc., and USAir, Inc.

Docket No.: 23980.

Petitioner: United States Hang Gliding Association, Inc.

Sections of the FAR Affected: 14 CFR 91.17 and 103.1(b).

Description of Relief Sought: To allow petitioner's members to tow unpowered ultralights with a powered ultralight.

Docket No.: 26119.

Petitioner: Mr. Frank N. Chase.

Sections of the FAR Affected: 14 CFR 121.383(c).

Description of Relief Sought: To allow petitioner to serve as a pilot of an aircraft engaged in air carrier operations under part 121 after his 60th birthday.

Docket No.: 26168.

Petitioner: Petroleum Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 21.197(c)(2).

Description of Relief Sought: To allow petitioner to issue special flight permits with a continuing authorization for its aircraft maintained and operated under an approved Aircraft Inspection Program allowed in § 135.419.

Dispositions of Petitions

Docket No.: 24741.

Petitioner: United Airlines, Inc.

Sections of the FAR Affected: 14 CFR part 121, appendix H.

Description of Relief Sought/ Disposition: To allow petitioner to use instructors who have not met the 1-year employment requirement and to permit that requirement to be met by employment with any other part 121 air carrier or in military high-performance jet operations.

PARTIAL GRANT, April 13, 1990, Exemption No. 5171

Docket No.: 26035.

Petitioner: Hector R. Ponce.

Sections of the FAR Affected: 14 CFR 65.71(a)(3).

Description of Relief Sought/ Disposition: To allow petitioner additional time in which to take the mechanic certification test.

DENIAL, April 9, 1990, Exemption No. 5170.

[FR Doc. 90-9330 Filed 4-20-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

[No. 100-09]

Delegation of Authority to Under Secretary of the Treasury

April 17, 1990.

Subject: Delegation of Authority to the Under Secretary of the Treasury for Finance to Serve on the Board of Directors of the Farm Credit System Assistance Board.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by 31 U.S.C. 321(b), I hereby designate the Under Secretary of the Treasury for Finance to serve as my representative on the Board of Directors of the Farm Credit System Assistance Board ("Assistance Board"), and to exercise any power and perform any function and duty that I am authorized to exercise and perform as a member of the Board of Directors of the Assistance Board, with authority to redelegate such authority.

This Order supersedes Treasury Order 100-07, "Designation of Deputy Secretary to Serve on the Board of Directors of the Farm Credit Assistance Board," dated July 7, 1988.

Nicholas F. Brady,

Secretary of the Treasury.

[FR Doc. 90-9304 Filed 4-20-90; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Architectural Drawings of The Russian Avant-Garde 1917-1935" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Museum of Modern Art, 11 West 53 Street, New York, New York beginning on or about June 27, 1990 to on or about September 4, 1990, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

[1] A copy of this list may be obtained by contacting Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/485-8827, and the address is room 700, U.S. Information Agency, 301 Fourth Street SW., Washington, DC 20547.

Dated: April 13, 1990.

Alberto J. Mora,

General Counsel.

[FR Doc. 90-9381 Filed 4-20-90; 8:45 am]

BILLING CODE 8230-01-M

Grants Program for Private, Non-Profit Organizations in Support of International and Cultural Activities

AGENCY: United States Information Agency.

ACTION: The letter of interest and proposal submission deadlines for the following Initiative Grant Projects have been extended.

Economic Development and Environmental Protection

The Relationship Between Government and Media in the U.S.

In order to receive grant application materials, prospective applicants should express their interest in writing no later than two weeks from publication of this announcement, to the Office of Private Sector Programs at the address given below. Upon receipt of a letter of interest, E/PI will forward the project concept paper and all necessary application materials. Final proposals, complete with all necessary documentation and forms will be due by close of business, six weeks from the publication of this announcement.

Proposals must be in accordance with Project Proposal Information Requirements [OMB #31180175].

Grants/Bilateral Accords Division, Office of Private Sector Programs, United States Information Agency, 301 4th Street SW., room 220, Washington, DC 20547, Attention: Michael Ringler.

SUMMARY: This notice hereby extends the letter of interest and proposal submission deadlines for the above projects previously published in the **Federal Register** January 30, 1990 (55 FR 3136-3141). The subjects and themes of the proposed projects remain the same. The deadline for receipt of proposals is now close of business six weeks from the publication date of this announcement.

Dated: April 5, 1990.

Stephen J. Schwartz,

Director.

[FR Doc. 90-9262 Filed 4-20-90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 78
Monday, April 23, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ENERGY REGULATORY COMMISSION

April 18, 1990

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–49), 5 U.S.C. 552B:

DATE AND TIME: April 25, 1990, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Note: The agenda format has been revised to include new agenda prefixes: CAH, CAE, H, E, PR, PF and PC. All parts of the consent agenda will continue to be called and voted on as a single group. Consent items which are called separately at the request of a member of the Commission will be called at the end of that part of the regular agenda for the applicable substantive area (for example, CAH–5 would be considered after the last regular Hydro agenda item).

Consent Agenda—Hydro, 915th Meeting—April 25, 1990, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 6962–009, Yankee Hydro Corporation Docket No. EL87–1–001, Dunn and McCarthy, Inc.

CAH–2.
Project No. 2389–007, Augusta Development Corporation and Edwards Manufacturing Company

CAH–3.
Project No. 10866–001, Phoenix Hydro Corporation

CAH–4.
Docket No. UL86–2–002, Manistique Papers, Inc.

CAH–5.
Project No. 9694–001, Power Resources Development Corporation

CAH–6.
Project No. 9049–002, Carex Hydro

CAH–7.
Project No. 8361–006, Olsen Power Partners

CAH–8.
Project No. 7270–002, Northern Wasco County People's Utility District

CAH–9.
Project No. 7161–013, Douglas County, Oregon

CAH–10.
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CAH–11.
Project No. 8488–004, Cosumnes River Water and Power Authority

CAH–12.
Omitted

CAH–13.
Project No. 8722–000, David O. Harde

CAH–14.
Project Nos. 8488–000 and 004, Cosumnes River Water and Power Authority
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CAH–15.
Docket No. HB14–85–1–000, Idaho Power Company

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CAE–2.
Docket No. ER90–245–000, Canal Electric Company

CAE–3.
Docket Nos. ER90–232–000 and ER90–233–000, Union Electric Company

CAE–4.
Docket No. EF89–5041–000, United States Department of Energy—Western Area Power Administration

CAE–5.
Docket No. QF89–237–004, CMS Midland, Inc. and Midland Cogeneration Venture, L.P.

CAE–6.
Docket Nos. ER84–604–013 and ER85–156–003, Southern Public Service Company

CAE–7.
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CAE–8.
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CAE–11.
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CAE–12.
Docket No. EL90–23–000, Pacific Water & Power, Inc. v. State of California

CAE–13.
Docket No. EL90–10–000, Central Montana Electric Power Cooperative, Inc. v. Montana Power Company

CAE–14.
Docket No. EL90–12–000, Cajun Electric Power Cooperative, Inc. v. Louisiana Power & Light Company
Docket No. EL90–15–000, Louisiana Energy and Power Authority v. Louisiana Power & Light Company

CAE–15.
Docket No. ER90–47–000, Yankee Atomic Electric Company

CAE–16.
Docket Nos. EL89–17–000 and EL89–19–000, Cincinnati Gas & Electric Company

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Docket Nos. ER89–582–000 and ER89–596–000, New England Power Company

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Docket No. EL89–2–000, City of Piqua, Ohio v. Dayton Power and Light Company

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Docket No. RP90–99–000, Transcontinental Gas Pipe Line Corporation

CAG–3.
Docket No. RP90–97–000, Northern Natural Gas Company

CAG–4.
Docket No. RP90–96–000, Texas Eastern Transmission Corporation

CAG–5.
Docket No. RP90–95–000, Colorado Interstate Gas Company

CAG–6.
Docket No. TA90–1–48–000, ANR Pipeline Company

CAG–7.
Docket No. RP90–98–000, Transcontinental Gas Pipe Line Corporation

CAG–8.
Docket Nos. TA90–1–46–000 and 001, Kentucky West Virginia Gas Company

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Docket Nos. TA90–1–43–000 and TM90–7–43–000, Williams Natural Gas Company

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Docket Nos. TA90–1–21–000 and TM90–9–21–000, Columbia Gas Transmission Corporation

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Docket No. TA90–1–34–000, Florida Gas Transmission Company

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Docket No. TM90–7–22–000, CNG Transmission Corporation

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Docket No. CP88–557–000, Koch Hydrocarbon Company
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Docket No. CP90–174–002, Midwestern Gas Transmission Company
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Docket No. CI87–547–007, Enron Gas Marketing, Inc.
Docket No. CI89–7–004, Pacific Atlantic Gas Marketing, Inc.
Docket No. CI87–476–004, TXG Gas Marketing Company

Hydro Agenda

H-1.
Project No. 10418-003, City of Harrisburg, Pennsylvania. Order on rehearing of order clarifying Commission policy with respect to treatment of applications to license projects for which water quality certification has been denied.

H-2.
Project No. 7045-007, R.L. Garry Corporation. Order on request for stay of commencement of construction deadline.

Electric Agenda

E-1.
Docket No. ER89-580-000, Portland General Exchange, Inc.
Docket No. ER89-581-000, Portland General Electric Company. Order on rate filings.

E-2.
Docket No. EC89-5-000, Southern California Edison Company and San Diego Gas & Electric Company. Petition for late intervention.

E-3.
Docket Nos. EC90-10-001, ER90-143-001, ER90-144-001, ER90-145-001 and EL90-9-001, Northeast Utilities Service Company. Order on requests for rehearing.

E-4.
Docket No. QF88-72-004, Gulf Coast Engineering Management, Inc. and Boyce Machinery Corporation. Order on rehearing.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1.
Docket Nos. CP86-578-000, CP88-611-000, *et al.*, CP89-312-000, CP89-1740-000 and CP90-203-000, Northwest Pipeline Corporation. Order on gas inventory charge.

II. Producer Matters

PF-1.
Reserved

III. Pipeline Certificate Matters

PC-1.
Docket No. CP89-692-001, Amerada Hess Corporation
Docket No. CP90-804-000, Alabama-Tennessee Natura Gas Company and Sun Operating Limited Partnership
Docket No. CP90-215-000, Amoco Production Company
Docket No. CP90-504-000, ARCO Oil and Gas Company, Inc.
Docket No. CI89-421-000, Enron Oil & Gas Company
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Docket No. CP89-2035-000, Meridian Oil Gathering, Inc.
Docket No. CP89-1514-000, Mitco Pipeline Company
Docket Nos. CP88-428-000 and 001, NRM Operating Company, L.P., *et al.*
Docket No. CP89-1001-000, Ringwood Gathering Company
Docket No. CI89-191-001, Shell Gas Pipeline Company
Docket No. CP88-212-000, West Texas Gathering Company. Declaratory orders and orders on rehearing concerning gathering.

PC-2.
Docket No. CP88-136-012, Texas Eastern Transmission Corporation. Order on requests for rehearing of order authorizing a transportation assignment program.

Lois D. Cashell,
Secretary.
[FR Doc. 90-9510 Filed 4-19-90; 3:55 pm]
BILLING CODE 6717-01-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting; Notice

TIME AND DATE: The Board of Directors meeting will be held on April 30, 1990. The meeting will begin at 9:30 a.m.

PLACE: The Old Colony Inn, Ballroom D, 625 First Street, Alexandria, VA 22314, (703) 548-6300.

STATUS OF MEETING: Open [A portion of the meeting may be closed subject to the recorded vote of a majority of the Board of Directors to discuss personnel, privileged or confidential, personal, investigatory and litigation matters under the Government in the Sunshine Act [5 U.S.C. 552b(c) (2), (4), (5), (7), and (10) and 45 CFR 1622.5 (a), (c), (d), (e), (f), and (h)].

MATTERS TO BE CONSIDERED: A portion of the meeting may be closed for the reasons cited above, subject to an advance recorded vote of a majority of the Board of Directors.

1. Approval of Agenda.
2. Approval of Minutes.
   —March 26-27, 1990
3. Chairman's Remarks.
4. President's Report.
5. Review of The Legislative and Regulatory History of the Legal Services Program and of Reform Proposals.
6. Legal Services Program Involvement in Certain Activity:
   (a) Texas Rural Legal Aid
   (b) California Rural Legal Aid
   (c) Community Action Legal Services (NY)
7. Access by LSC to LSC Recipient Employment Verification and Accounting Files.
8. Review of The Corporation's FY 1990 Consolidated Operating Budget, Through February 28, 1990.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: April 19, 1990.

Maureen R. Bozell,
Corporation Secretary.
[FR Doc. 90-9504 Filed 4-19-90; 3:55 pm]
BILLING CODE 7050-01-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, May 2, 1990.

PLACE: Board hearing Room, 8th Floor, 1425 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of April, 1990.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523-5920.

Date of Notice: April 17, 1990.

Charles R. Barnes,
Executive Director, National Mediation Board.
[FR Doc. 90-9423 Filed 4-19-90; 11:24 am]
BILLING CODE 7550-01-M

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 14377 (April 17, 1990).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. (CDT), Thursday, April 19, 1990.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Pennyrile Area Development District Office, 300 Hammond Drive, Hopkinsville, Kentucky.

CHANGES IN THE MEETING: Each member of the TVA Board of Directors has approved the addition of the following items to the previously announced agenda:

B—Purchase Awards

2. Award of Purchase Contract to Burns and Roe Securacom. Inc., for Physical Security Systems Upgrade for Watts Bar, Sequoyah, and Browns Ferry Nuclear Plants (Negotiation YA-93515B).

Information Items

3. Supplemental Insurance Plan

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager, Media Relations, or a member of his staff can respond to requests for information about this meeting. Call 615-632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-479-4412.

Edward S. Christenbury,
General Counsel and Secretary to the Board.
[FR Doc. 90-9428 Filed 4-19-90; 8:45 am]
BILLING CODE 8120-01-M

Corrections

Federal Register
Vol. 55, No. 78
Monday, April 23, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 78

[Docket No. 89-225]

RIN 0579-AA27

Swine Identification

Correction

In rule document 90-6891 beginning on page 11154 in the issue of Thursday, March 27, 1990, make the following corrections:

§ 71.19 [Corrected]

1. On page 11156, in the second column, under § 71.19(d), in the third line "tattoos" was misspelled.

§§ 71.1, 71.6, 71.10, 71.13 [Corrected]

2. On the same page, in the same column, in amendatory instruction six, the fourth line should read "the word "APHIS" is added in their".

3. Also, in amendatory instruction six, in paragraph (b), "(6)" should read "(a)".

§§ 71.3, 71.4, 71.5, 71.6, 71.13, 71.16 [Corrected]

4. On the same page, in the third column, under amendatory instruction seven, in the third line "Service" should read "Services".

BILLING CODE 1505-01-D

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

Correction

In notice document 90-8358 appearing on page 13663 in the issue of Wednesday, April 11, 1990, make the following correction:

In the third column, in "Agreement No. 224-200344", under "*Synopsis*", in the third line from the last, insert "224-200344 replaces Agreement No." after "Agreement No.".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-ASW-56]

Revision of Control Zone; Monroe, LA

Correction

In rule document 90-7569 on page 12336 in the issue of Tuesday, April 3, 1990, make the following correction:

§ 71.171 [Corrected]

On page 12336, in the second column, in § 71.171, under "**Monroe, LA [Revised]**", in the second line the latitudinal coordinates should read "32°30'39"N".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Adminstration

14 CFR Parts 91 and 135

[Docket No. 25149; SFAR No. 50-2]

RIN 2120-AC70

Special Flight Rules in the Vicinity of the Grand Canyon National Park

Correction

In rule document 90-8140 beginning on page 13444 in the issue of Tuesday, April 10, 1990, make the following corrections:

1. On page 13444, in the third column, under "**ENVIRONMENTAL REVIEW**", in the fifth line "alert" should read "alter".

SFAR No. 50-2 [Corrected]

2. On page 13445, in the second column, in the fourth line the latitudinal coordinates should read "36°14'00"N".

BILLING CODE 1505-01-D

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S. 1813/Pub. L. 101-272

To ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters. (Apr. 18, 1990; 104 Stat. 137; 1 page) Price: $1.00

S. 1949/Pub. L. 101-273

To amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing. (Apr. 18, 1990; 104 Stat. 138; 1 page) Price: $1.00

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[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1989. The CFR volume issued January 1, 1987, should be retained.

[3] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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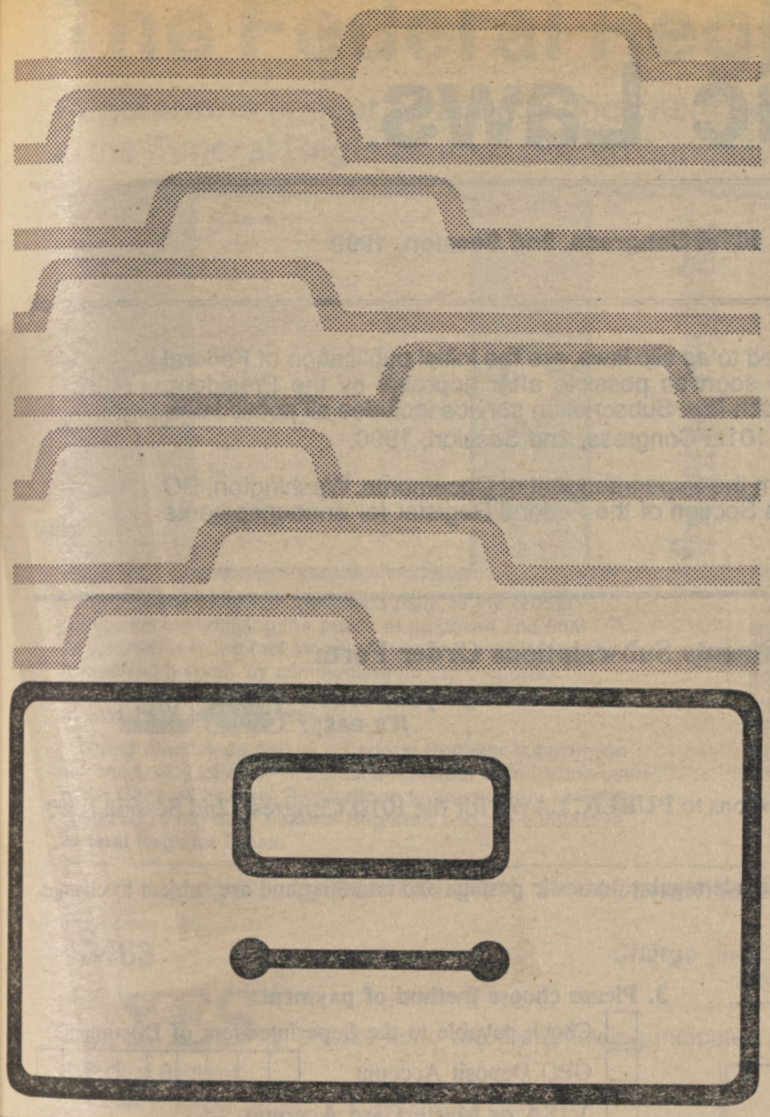

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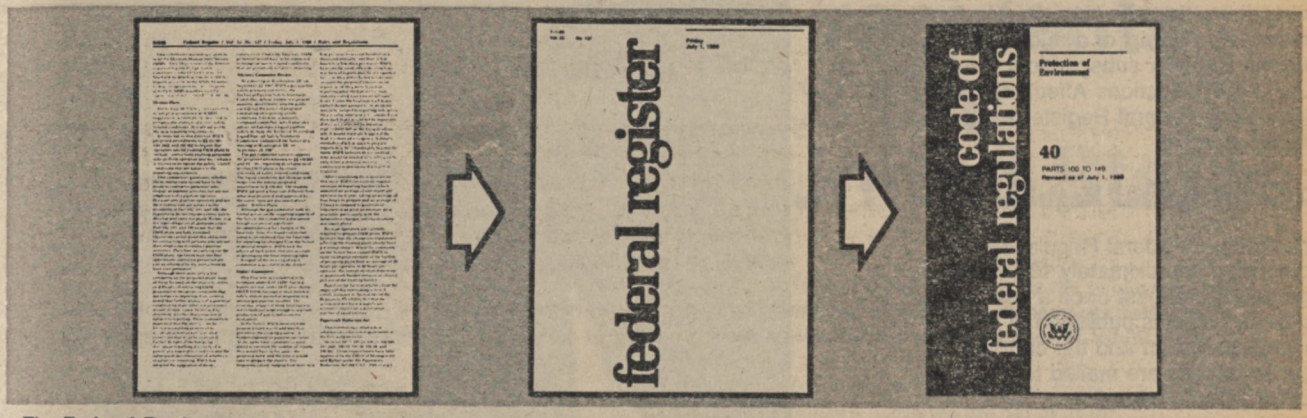

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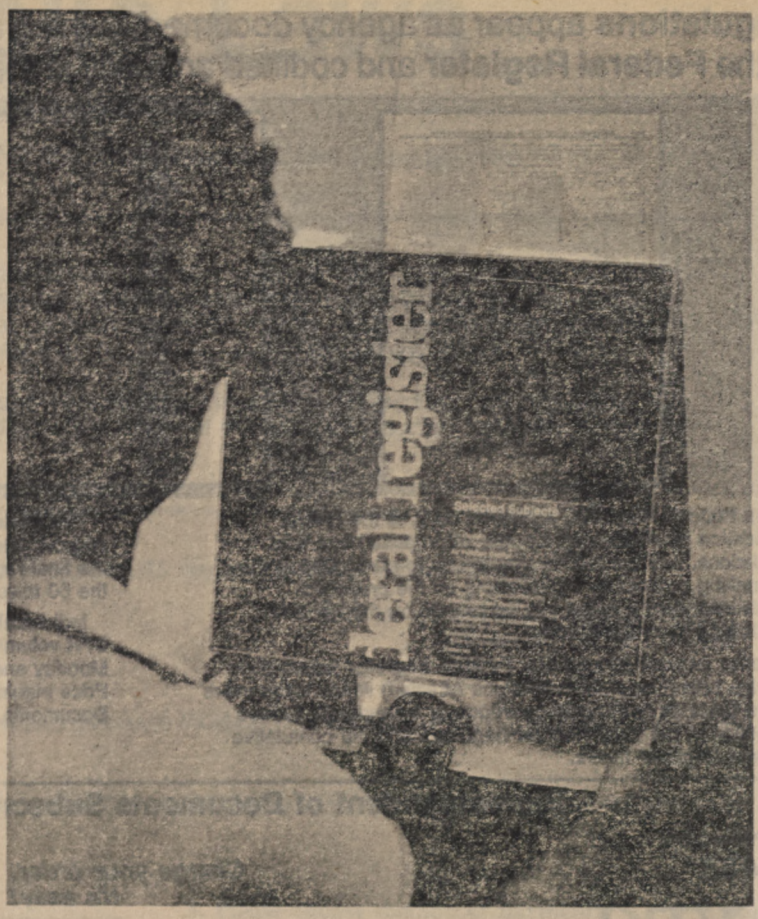

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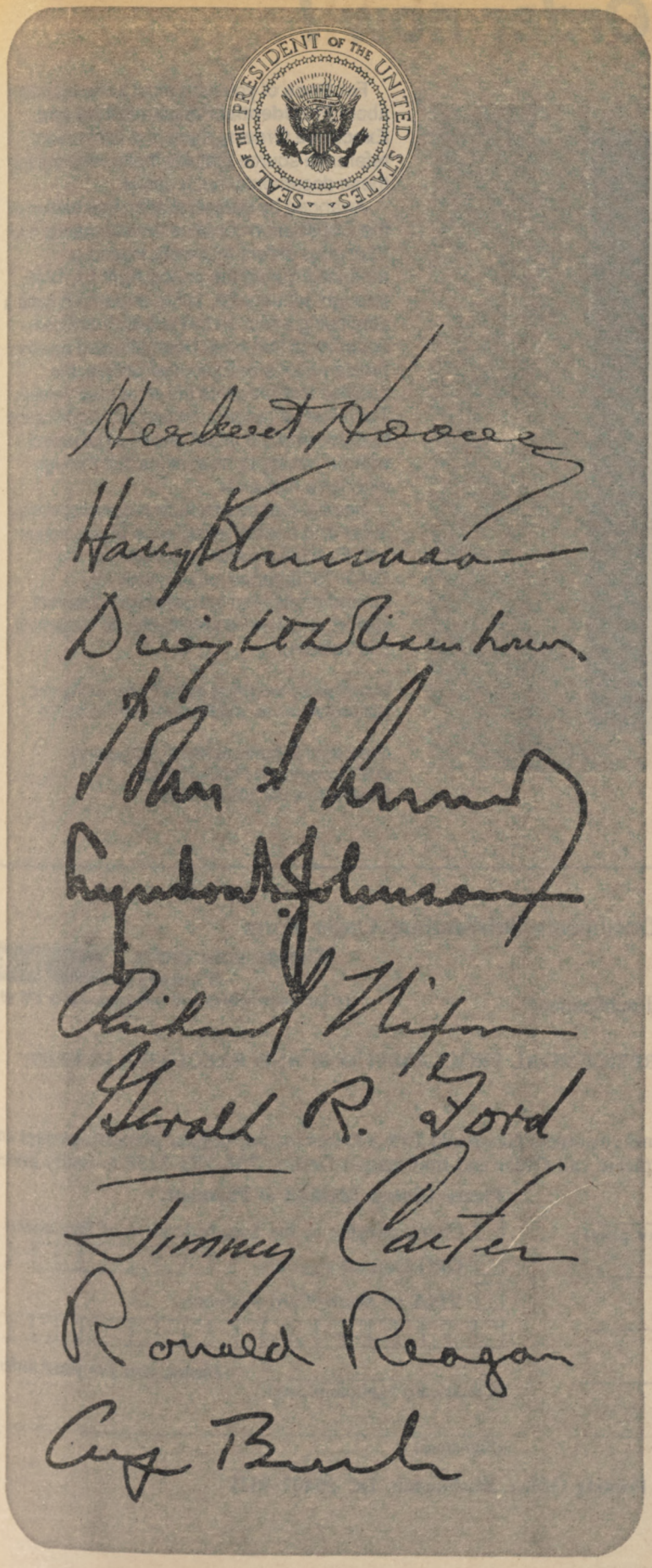

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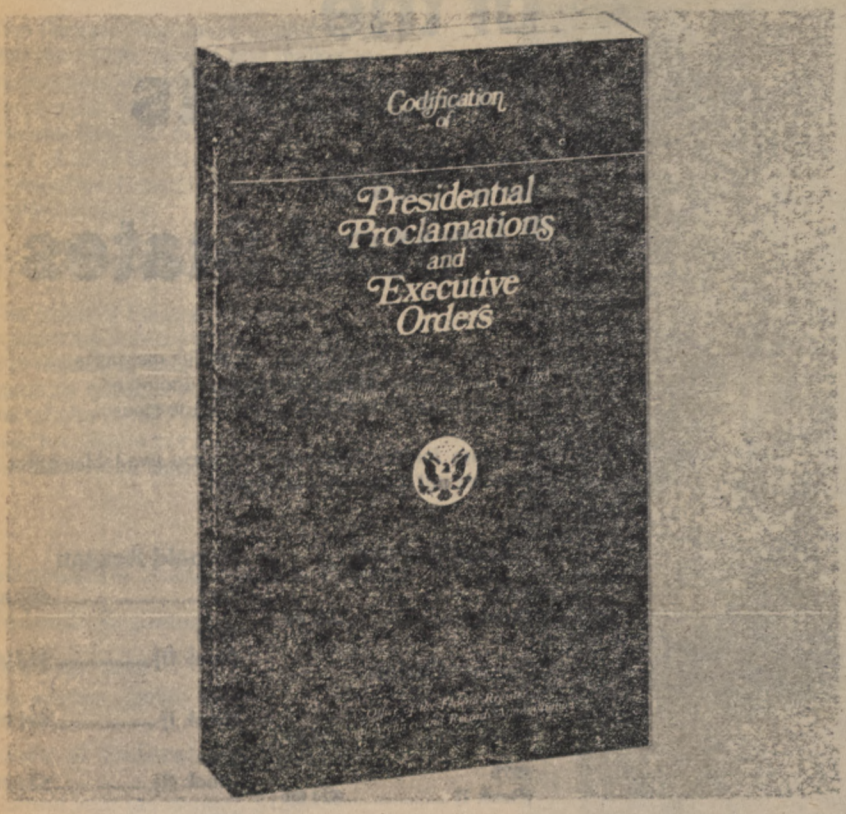

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Federal Register

Monday
April 23, 1990

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 "Federal Regulation" (February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific departmental offices' regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda, contact Richard S. Carro, Associate General Counsel, Room 1422, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 566-2558; not a toll-free call.

Dated: March 15, 1990.

Emily L. Walker,

Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2300	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17
2301	31 CFR 103 Money Laundering Through International Payments	1505-AA37
2302	17 CFR 401 Implementing Regulations for the Government Securities Act of 1986	1505-AA39

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2303	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos	1505-AA10
2304	31 CFR 103 Proposed Amendment to the Bank Secrecy Act Regulations Relating to Identification Required to Purchase Bank Checks, Cashier's Checks, Traveler's Checks and Money Orders	1505-AA32
2305	31 CFR 17 Enforcement of Nondiscrimination on the Basis of Handicap in Treasury Programs	1505-AA34
2306	31 CFR 21 Restrictions on Lobbying	1505-AA35

TREAS—DO

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2307	17 CFR 400 Technical Amendments to Regulations Implementing the Government Securities Act of 1986	1505-AA36
2308	31 CFR 2 National Security Information	1505-AA38

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Departmental Offices (DO)

2300. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend Public Comment Period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-6787

RIN: 1505–AA17

2301. ● MONEY LAUNDERING THROUGH INTERNATIONAL PAYMENTS

Legal Authority: 31 USC 5314; 31 USC 5318

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The Department of the Treasury expects to issue a notice of proposed rulemaking under the Bank Secrecy Act to address the problem of money laundering through international payments, especially wire transfers of funds. This advance notice of proposed rulemaking requests comments on a number of regulatory options.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/89	54 FR 45769
ANPRM Comment Period End	01/02/90	54 FR 45770
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Noonan, Senior Counsel for Financial Enforcement, Department of the Treasury, Departmental Offices, Room 2000, Washington, DC 20220, 202 566-2941

RIN: 1505–AA37

2302. ● IMPLEMENTING REGULATIONS FOR THE GOVERNMENT SECURITIES ACT OF 1986

Legal Authority: 15 USC 78o-5

CFR Citation: 17 CFR 401

Legal Deadline: None

Abstract: This document proposes to exempt from registration or notice, pursuant to section 15C(a)(1) of the Government Securities Act of 1986, foreign government securities brokers and dealers engaged in certain activities involving U.S. investors and the government securities market.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7733
NPRM Comment Period End	05/04/90	55 FR 7734

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Papaj, Director, Government Securities Regulations Staff, Department of the Treasury, Departmental Offices, 999 E Street, NW., Room 209, Washington, DC 20239-0001, 202 376-6432

RIN: 1505–AA39

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Departmental Offices (DO)

2303. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Comment Period Extension to 11/14/88	10/28/88	53 FR 43736
Comment Period Extension to 12/14/88	12/01/88	53 FR 48551
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Zoscak, Jr., Attorney-Advisor, Office of the Assistant General Counsel (Enforcement), Department of the Treasury, Departmental Offices, 1500 Pennsylvania Avenue, NW., Room 2000, Washington, DC 20220, **202 566-2914**

RIN: 1505–AA10

2304. PROPOSED AMENDMENT TO THE BANK SECRECY ACT REGULATIONS RELATING TO IDENTIFICATION REQUIRED TO PURCHASE BANK CHECKS, CASHIER'S CHECKS, TRAVELER'S CHECKS AND MONEY ORDERS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5324; PL 100-690, Sec 6185(b)

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This advance notice solicits public comments on the implementation of section 6185(b) of the Anti-Drug Abuse Act of 1988, which requires the issuance of regulations prescribing what identification shall be provided by purchasers of cashier's checks, traveler's checks, money orders and bank checks.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/88	53 FR 61846
Extension of Comment Period to 02/15/89	01/19/89	54 FR 02138
ANPRM Comment Period End	01/22/89	
NPRM	08/22/89	54 FR 34791
NPRM Comment Period End	10/23/89	54 FR 34791
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney-Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, **202 566-9947**

RIN: 1505–AA32

2305. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN TREASURY PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 31 CFR 17

Legal Deadline: None

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department of the Treasury.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24203
NPRM Comment Period End	08/07/89	54 FR 24203
Final Action	05/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlene J. Robinson, Director, Human Resources Directorate, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, **202 566-5256**

RIN: 1505–AA34

2306. ● RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 321; 31 USC 1352

CFR Citation: 31 CFR 21

Legal Deadline: None

Abstract: This document constitutes the Department of the Treasury's participation in a common rulemaking to prohibit certain recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cathy Thomas, Office of Management Programs Directorate, Department of the Treasury, Departmental Offices, Room 2217, Washington, DC 20220, **202 343-0249**

RIN: 1505–AA35

DEPARTMENT OF THE TREASURY (TREAS)

Departmental Offices (DO)

Completed Actions

2307. ● TECHNICAL AMENDMENTS TO REGULATIONS IMPLEMENTING THE GOVERNMENT SECURITIES ACT OF 1986

Legal Authority: 15 USC 78o-5; 31 USC 3121; 31 USC 9110

CFR Citation: 17 CFR 400; 17 CFR 403; 17 CFR 449; 17 CFR 450

Legal Deadline: None

Abstract: This document conforms the existing Government Securities Act implementing regulations to changes in the regulatory structure of the thrift industry pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Timetable:

Action	Date	FR Cite
Final Action	02/26/90	55 FR 6603
Final Action Effective	02/26/90	55 FR 6603

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kerry Lanham, Government Securities Specialist, Department of the Treasury, Departmental Offices, Bureau of the Public Debt, Room 209, 999 E Street, NW., Washington, DC 20239-0001, 202 376-4632

RIN: 1505–AA36

2308. ● NATIONAL SECURITY INFORMATION

Legal Authority: 31 USC 321; EO 12356

CFR Citation: 31 CFR 2

Legal Deadline: None

Abstract: This document updates and revises existing regulations concerning internal policies and procedures for handling and safeguarding classified national security information.

Timetable:

Action	Date	FR Cite
Final Action	01/17/90	55 FR 1644
Final Action Effective	01/17/90	55 FR 1644

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward J. Pollard, Director of Security, Department of the Treasury, Departmental Offices, Room 1302, Washington, DC 20220, 202 343-0260

RIN: 1505–AA38

[FR Doc. 90-6979 Filed 04-20-90; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Public Law 96-354, September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

Dated: March 26, 1990.

W. E. Douglas,

Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2309	31 CFR 225, (Revision) Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds	1510-AA13
2310	31 CFR 210 Federal Payments Made Through Financial Institutions by the Automated Clearing House Method	1510-AA16

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2311	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00

TREAS—FMS

Financial Management Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2312	31 CFR 223, (Revision) Regulations Governing Surety Companies Doing Business with the United States	1510-AA12

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Prerule Stage

2309. ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Significance: Agency Priority

Legal Authority: 31 USC 9303

CFR Citation: 31 CFR 225, (Revision)

Legal Deadline: None

Abstract: The revision will address changes to definitions in the areas of acceptable securities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Room 259, Washington, DC, 20227, 202 287-3915

RIN: 1510–AA13

2310. ● FEDERAL PAYMENTS MADE THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210

Legal Deadline: None

Abstract: With the increased use and greater capability of the Automated Clearing House (ACH) method for making Government payments, the Financial Management Service (FMS) plans to electronically move more remittance information with Government payments. An addenda record will accompany the payment and will serve as an electronic check stub. FMS proposes to require that financial institutions, as part of posting payments to payees' accounts, also post the remittance information contained in the addenda record. Financial institutions can notify payees by printing the message on the bank statements or by issuing separate notices. The information contained in the addenda record is of key importance to a payee and a financial institution by fulfilling a customer need and providing the information to its customer. The proposed Federal Register Notice of Intent is aimed at eliciting reaction, such as cost, capacity, and potential problems, from the financial industry on required passage of consumer and corporate addendum information.

Timetable:

Action	Date	FR Cite
Notice of Intent Eliciting Reaction From Financial Industry	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Charles F. Schwan, III, Director, Payments Management Division, Department of the Treasury, Financial Management Service, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, 202 287-0510

RIN: 1510–AA16

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

2311. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for

program purposes in accordance with Federal law, regulation or Federal/State agreement.(cont)

Timetable:

Action	Date	FR Cite
Withdrawn	03/26/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation. This regulation is pending legislation.

Agency Contact: M. Fred Williams, Project Manager, State/Federal Equity Program, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Room 420B, Washington, DC 20227, 202 287-0590

RIN: 1510–AA00

2312. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309

CFR Citation: 31 CFR 223, (Revision)

Legal Deadline: None

Abstract: The revision makes editorial changes, and contains substantive changes to sections concerning business experience, collateral and reinsurance requirements. Substantive changes include: 1) a 3-year aging requirement in order to qualify for Treasury certification, 2) elimination of the alternative to use collateral for protecting excess risks, and 3) a requirement that all reinsurance on Federal bonds be placed with companies recognized by Treasury for reinsurance purposes. The proposed regulations provide provisions for exceptions to the aging and reinsurance regulations under certain circumstances. These regulations will help Treasury ensure that certified companies are capable of carrying out their surety contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29039
NPRM Comment Period End	10/19/87	52 FR 37334
Withdrawn	01/22/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Room 259, Washington, DC 20227, 202 287-3915

RIN: 1510–AA12

[FR Doc. 90-7347 Filed 04-20-90; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 697]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General Notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291 entitled, "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive order within the next 6 months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the Federal Register of October 1990.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact" for the regulatory project.

For general information about this general notice, contact Lori Weins, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202) 566-7626.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Stephen E. Higgins,

Director.

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2313	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2314	27 CFR 4 Wine Labeling Regulation Issues	1512-AA31
2315	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2316	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2317	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2318	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2319	27 CFR 9 American Viticultural Areas	1512-AA07
2320	27 CFR 197 Nonbeverage Drawback	1512-AA20
2321	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2322	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word "Light (Lite)"	1512-AA48
2323	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2324	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2325	27 CFR 4.35 Winemaking Terminology	1512-AA70
2326	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2327	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2328	27 CFR 55 Explosives Storage Regulations	1512-AA85
2329	27 CFR 179 NFA Collector's Items (Machine Guns, Destructive Devices and Certain Other Firearms)	1512-AA84
2330	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2331	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2332	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2333	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77
2334	27 CFR 5.39 Label Disclosure for Brandy Treated with Wood	1512-AA81
2335	27 CFR 16 Warning Statement on Alcoholic Beverages	1512-AA82
2336	27 CFR 55 Fireworks Regulations	1512-AA52

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2313. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 566-7626

RIN: 1512–AA17

2314. WINE LABELING REGULATION ISSUES

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: Wine labeling issues addressed: 1. Transported grapes to retain viticultural area designation 2. Certain wines allowed "other than standard" on label 3. Harvest date for fruit, berry and agricultural wines 4. Another use of the term "Estate Bottled" 5. Harvest labeling for wine.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 566-7626

RIN: 1512–AA31

2315. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20026, 202 566-7531

RIN: 1512–AA69

2316. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Reisman, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 566-7531

RIN: 1512–AA72

TOBACCO PRODUCTS

2317. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 566-7531

RIN: 1512–AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Final Rule Stage

ALCOHOL

2318. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9873
NPRM Comment Period End	06/25/87	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

TREAS—BATF **Final Rule Stage**

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7531**

RIN: 1512–AA06

2319. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Arroyo Grande Valley, CA (contact Robert White)

NPRM 07/20/89 (54 FR 30398)
NPRM Comment Period End 09/05/89
Final Action 01/04/90 (55 FR 285)

Mt. Veeder, CA (contact David Brokaw)

NPRM 07/14/89 (54 FR 29739)
NPRM Comment Period End 08/28/89
Final Action 02/20/90 (55 FR 5842)
Final Action Effective 03/22/90 (55 FR 5842)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA07

2320. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SMALL ENTITIES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsy7531ia Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA20

2321. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period End	12/31/86	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA42

2322. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD "LIGHT (LITE)"

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments were requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period End	12/31/86	
NPRM	06/17/88	53 FR 22678
NPRM Comment Period End	08/15/88	
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Extended Comment Period End	11/15/88	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA48

2323. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

TREAS—BATF **Final Rule Stage**

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
NPRM Extended Comment Period End	03/01/85	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: **Robert White**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA61

2324. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
Final Action	01/31/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Charles Bacon**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 789-3178**

RIN: 1512–AA67

2325. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **David Brokaw**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA70

2326. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12024
NPRM Comment Period End	07/11/88	
NPRM Comment Period Extended	07/13/88	53 FR 26448
NPRM Extended Comment Period End	10/11/88	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Gale Guinand**, International Liaison Officer, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 789-3011**

RIN: 1512–AA71

2327. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages.

TREAS—BATF **Final Rule Stage**

because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33603
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, 202 566-7626

RIN: 1512–AA76

EXPLOSIVES

2328. EXPLOSIVES STORAGE REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841 to 848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: There is a need to provide information to Emergency Response Personnel (ERP) concerning over-the-road vehicles and other facilities storing blasting agents. Recently ERP were killed while fighting a fire involving stored blasting agents. Placards which are required by the Department of Transportation during the transportation of blasting agents will be required on all facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	54 FR 36325
NPRM Comment Period End	10/31/89	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 789-3029

RIN: 1512–AA85

FIREARMS

2329. NFA COLLECTOR'S ITEMS (MACHINE GUNS, DESTRUCTIVE DEVICES AND CERTAIN OTHER FIREARMS)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 179

Legal Deadline: None

Abstract: Proposal to establish an age of 50 years before a National Firearms Act firearm can be considered a collector's item and removed from the provisions of the Act. The industry now has no guidance because the "date of manufacture" in the regulations is indeterminate.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23490
NPRM Comment Period End	07/31/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Barry Fields, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 789-3031

RIN: 1512–AA84

TOBACCO PRODUCTS

2330. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 566-7531

RIN: 1512–AA28

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2331. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	02/20/90	55 FR 5842
Final Action Effective	03/22/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA10

2332. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite
Withdrawn Further Study Required	02/20/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, **202 566-7626**

RIN: 1512–AA50

2333. STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

Legal Deadline: None

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 26385
ANPRM Comment Period Extended	08/14/87	52 FR 30390
ANPRM Comment Period End	08/24/87	
ANPRM Extended Comment Period End	10/23/87	
Final Action	02/06/90	55 FR 3980

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman 566-7531

Agency Contact: Edward Reisman, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, **202 566-7626**

RIN: 1512–AA77

2334. LABEL DISCLOSURE FOR BRANDY TREATED WITH WOOD

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.39

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations in 27 CFR Part 5 concerning the wording, and placement, of the disclosure statement for brandy treated with wood.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 18574
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Comment Period End	08/22/88	
NPRM Extended Comment Period End	11/22/88	
General Notice Extending Use-up Period	07/14/89	54 FR 29701
Final Action	01/11/90	55 FR 1061
Final Action Effective	07/11/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 200226, **202 566-7626**

RIN: 1512–AA81

2335. WARNING STATEMENT ON ALCOHOLIC BEVERAGES

Significance: Agency Priority

Legal Authority: 27 USC 215

CFR Citation: 27 CFR 16

Legal Deadline: Other, Statutory, February 16, 1989.
Temporary Rule with Notice

Abstract: This temporary rule implements the provisions of the Alcoholic Beverage Labeling Act of 1988, Title VIII of the Anti-Drug Abuse Act of 1988 (Public Law 100-690). The regulations implement the statute by requiring that a health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7164
Interim Final Rule	02/16/89	54 FR 7160
NPRM Comment Period End	04/03/89	
Final Action	01/01/90	55 FR 5414

Small Entities Affected: None

Government Levels Affected: None

TREAS—BATF **Completed Actions**

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, 202 566-7626

RIN: 1512–AA82

2336. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841 to 848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: Information gathering on safe handling of explosive materials in the fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	07/20/88	53 FR 27452
NPRM Comment Period End	09/19/88	
Final Action	02/05/90	55 FR 3717

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington DC 20226, 202 789-3029

RIN: 1512–AA52

[FR Doc. 90-6980 Filed 04-20-90; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on October 30, 1989 (54 FR 45068), are also included. It is expected that this semiannual agenda will enable the public to be more aware of and allow it to more effectively participate in the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda require a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities" and, therefore, are not subject to the provisions of the Act. Additionally, none of the rules is a major rule as defined by Executive Order 12291. Executive Order 12291 defines a "major rule" as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: February 28, 1990.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2337	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA94
2338	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AB00

TREAS—OCC

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2339	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2340	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2341	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2342	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2343	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2344	12 CFR 4 Supervision of Bank Operations	1557-AA67
2345	12 CFR 5.33 Merger, Consolidation, Purchase and Assumption	1557-AA71
2346	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA75
2347	12 CFR 7.7490 Messenger Service	1557-AA85
2348	12 CFR 21 Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Compliance	1557-AA88
2349	12 CFR 21.2(c) Extensions of Credit to National Bank Insiders	1557-AA89
2350	12 CFR 7.4430 (New) Unanimous Written Consent by Directors	1557-AA90
2351	12 CFR 3 Recourse Arrangements	1557-AA91
2352	12 CFR 4 Minorities and Women Contractors Acquisition Outreach Program	1557-AA92
2353	12 CFR 7.4025 (New) Shareholder Action by Unanimous Written Consent	1557-AA93
2354	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA96
2355	12 CFR 5.51 (New) Rules, Policies, and Procedures for Corporate Activities: Changes in Directors and Senior Executive Officers	1557-AA97
2356	12 CFR 25 Community Reinvestment Act Regulations	1557-AA98
2357	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks	1557-AA99

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2358	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2359	12 CFR 32.2(d) Lending Limit	1557-AA32
2360	12 CFR 32 Lending Limit	1557-AA72
2361	12 CFR 4 Description of Office, Procedures, Public Information	1557-AA77
2362	12 CFR 7.3400 Leasing of Personal Property	1557-AA80
2363	12 CFR 12.7 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA84
2364	12 CFR 5.61 Rules, Policies, and Procedures for Corporate Activities; Payment of Dividends	1557-AA86
2365	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA87
2366	12 CFR 34 Real Estate Lending and Appraisals	1557-AA95

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2367	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2368	12 CFR 5.49 Receivership and Conservatorship	1557-AA82
2369	12 CFR 32 National Banks' Lending Limits; Loans to Foreign Governments	1557-AB01

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Comptroller of the Currency (OCC)

2337. ● MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking will solicit public comment on the treatment of mortgage servicing rights held by national banks

for the purpose of determining capital adequacy. The OCC requests comments on all aspects of this issue. Suggested topics include, but are not limited to: capital limits, recourse, valuation, revocation of mortgage servicing rights, and mortgage servicing standards. The effect on small entities will be considered in the development of any rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	
ANPRM Comment Period End	07/00/90	
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer C. Kelly, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; Mark Winer, Associate Director, Economic and Policy Analysis Division, (202) 447-1924; C. Stewart Goddin, Senior International Economic Advisor, Multinational and Regional Bank Analysis Division, (202) 447-1747; or Richard Cleva, Senior Attorney, Legal Advisory Services Division, (202) 447-1883, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1883

RIN: 1557–AA94

2338. ● FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC is proposing to amend 12 CFR 9 to address the conflicts of interest created when a national bank is the trustee to an issue of debt securities and enters into additional banking relationships with the issue or issuer, including, but not limited to, the following: securities underwriter, letter of credit enhancer, originator of loans to collateralize the debt securities, or a commercial credit provider. Such multiple roles may serve to reduce the quality of disinterested services provided to both issuers and investors and further expose the bank and the depositors to significant liabilities if investors or issuers suffer losses as a result of a bank trustee's failure to act in their best interests. To the extent possible, the OCC would like to ensure that national banks do not assume conflicting roles which may become unmanageable if the security goes into default. Although the opportunity for national banks to serve in more than one capacity with respect to a debt security issue is not new, there appears to be an increased interest by national banks to undertake multiple roles. The effect on small entities will be considered in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	
ANPRM Comment Period End	07/00/90	
NPRM	11/00/90	
NPRM Comment Period End	01/00/91	
Final Action	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: development of this rulemaking.

ADDITIONAL AGENCY CONTACTS: Owen Carney, Director, Investment Securities Division, (202) 447-1901; Lisa J. Lintecum, National Trust Examiner, Investment Securities Division, (202) 447-1901; or Billy L. Dowdle, Director, Trust Activities Division, (202) 447-1731, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Isabella W. Sammons, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AB00

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Proposed Rule Stage

2339. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 93a; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC is proposing to amend its regulations governing the exercise of fiduciary powers by national banks. The intent of these amendments is twofold: First, the proposed rule is intended to codify recent court decisions regarding collective Individual Retirement Account ("IRA") funds; and second, the proposed rule is intended to liberalize and make less burdensome the requirements of 12 CFR 9.18, regarding the management of collective investment funds by institutions exercising fiduciary powers, in a manner which would preserve appropriate protection for trusts and persons with interests therein. In addition to the codification of recent court decisions that authorize national banks to establish collective IRA funds which are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, the proposal also would authorize the establishment of such registered collective funds whose assets consist of Keogh accounts or any other retirement accounts authorized under sections 401 and 408 of the Internal Revenue Code (26 USC 401 and 408). The proposed rule would also eliminate certain Federal regulatory provisions which (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	02/07/90	55 FR 4184

Action	Date	FR Cite
NPRM Comment Period End	05/08/90	55 FR 4185
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: presently (1) Limit the participation in certain collective investment funds, (2) limit the investment by the institution administering such funds, (3) prohibit the charging to a fund of costs and expense incurred by its managing institutions, and (4) prohibit the advertising by institutions managing certain types of funds. The proposal would also broaden the authorization for closed-end funds, streamline the approval process for new types of funds, clarify the authorization for investment by funds in variable-amount notes, and clarify the status of certain tax-exempt funds. The effect on small entities will be considered in the development of this rulemaking.

ADDITIONAL AGENCY CONTACTS: Dean E. Miller, Deputy Comptroller, Compliance, (202) 447-0447; or William Glidden, Assistant Director, Legal Advisory Services Division, (202) 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AA04

2340. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8); 18 USC 641; 18 USC 1905; 18 USC 1906

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b); 12 CFR 4.16(b); 12 CFR 4.13 to 4.17a

Legal Deadline: None

Abstract: This rule governs the release by the OCC of confidential documents and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might by authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1893

RIN: 1557–AA57

2341. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and the OCC concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the OCC in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The OCC considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the OCC determined it was appropriate to propose the additional requirements as amendments to Part 11 because the OCC believes the proposed requirements will help to clarify the types of disclosures which the OCC, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The proposed rule will also include amendments to update Part 11 to conform with recent amendments by the Securities and Exchange Commission to its Securities Exchange Act Disclosure Rules. The (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AA58

2342. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This regulation contains the OCC's disclosure requirements for securities offerings by national banks. The OCC is considering revisions which would clarify the coverage of the rule, specify the OCC's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR 11, and where practicable, incorporate by reference provisions of 12 CFR 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AA65

TREAS—OCC

Proposed Rule Stage

2343. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Horace G. Sneed, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1881

RIN: 1557–AA66

2344. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1893

RIN: 1557–AA67

2345. MERGER, CONSOLIDATION, PURCHASE AND ASSUMPTION

Legal Authority: 12 USC 93a; 12 USC 181; 12 USC 214a; 12 USC 215; 12 USC 215a; 12 USC 1828(c)

CFR Citation: 12 CFR 5.33; 12 CFR 11.590

Legal Deadline: None

Abstract: The OCC proposes to amend 12 CFR 5.33 to set forth the OCC's merger proxy statement filing requirements for banks that do not have a class of equity securities registered under the Securities Exchange Act of 1934 ("Exchange Act"), and to specify the disclosure that is required of such banks for various types of merger transactions. This action is expected to assist bank merger applicants in preparing their merger proxy materials, which are subject to OCC review and clearance pursuant to the OCC's merger procedures. The effect on small entities will be considered in development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James A. Wright, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AA71

2346. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking will clarify securities and trust rules within the regulation, and will incorporate applicable portions of the Government Securities Act of 1986. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1901

RIN: 1557–AA75

2347. MESSENGER SERVICE

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.7490

Legal Deadline: None

Abstract: This rulemaking is intended to clarify how national banks may operate messenger services without engaging in branch bank activities. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard H. Blake, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1882

RIN: 1557–AA85

2348. ● MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY COMPLIANCE

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 31 USC 5311 et seq; PL 101-73 FIRREA

CFR Citation: 12 CFR 21

Legal Deadline: None

Abstract: The OCC, in conjunction with the other depository institution regulatory agencies, has reviewed 12 CFR 21 and has determined that portions of the regulation should be revised to reflect changes in the

technology of bank security devices, and to implement changes required by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). The proposed revisions to Part 21 will serve the dual purpose of incorporating the amendments made to the Bank Protection Act of 1968 by FIRREA and providing depository institutions with the flexibility to avoid the problems of technical obsolescence that have occurred with the existing regulation. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Frank R. Carbone, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Robert J. Roth**, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA88

2349. ● EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS

Legal Authority: 12 USC 93a; 12 USC 375a(4)

CFR Citation: 12 CFR 21.2(c)

Legal Deadline: None

Abstract: This rulemaking will clarify that capital and surplus limitations imposed on insider lending can be calculated as of the date a loan is made. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Thuy Dinh**, Attorney, Legal Advisory Services Division, Department of the Treasury, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1882**

RIN: 1557–AA89

2350. ● UNANIMOUS WRITTEN CONSENT BY DIRECTORS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.4430 (New)

Legal Deadline: None

Abstract: This rulemaking will establish a method for action by the board of directors of a national bank through unanimous written consent. The procedure would facilitate board action on matters requiring board attention which arise between regularly scheduled board meetings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Mitchel Mertens**, Attorney, Securities & Corporate Practices Division, Department of the Treasury, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1954**

RIN: 1557–AA90

2351. ● RECOURSE ARRANGEMENTS

Legal Authority: 12 USC 93a; 12 USC 84; 12 USC 3901 et seq

CFR Citation: 12 CFR 3; 12 CFR 32; 12 CFR 325; 12 CFR 225

Legal Deadline: None

Abstract: In response to comments to be received as a result of the Federal Financial Institutions Examination Council's solicitation for public comment on recourse arrangements, OCC will issue a Notice of Proposed Rulemaking on the appropriate capital and lending limit treatment of these arrangements. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Laura Plaze**, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA91

2352. ● MINORITIES AND WOMEN CONTRACTORS ACQUISITION OUTREACH PROGRAM

Legal Authority: 12 USC 93a; PL 101-73, 103 Stat 183, 529 (1989)

CFR Citation: 12 CFR 4

Legal Deadline: Final, Statutory, February 8, 1990.

Abstract: The proposed regulation is being promulgated as mandated by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, PL 101-73, 103 Stat 183, 529. The regulation will include rules for a procurement outreach program that will further ensure the utilization of qualified minorities and women, and entities owned by these individuals, to the greatest extent possible, in OCC contract action. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Richard A. Miller, Associate Director for Acquisitions, Administrative Services Division, (202) 447-1833, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Richard H. Blake, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1882

RIN: 1557–AA92

2353. ● SHAREHOLDER ACTION BY UNANIMOUS WRITTEN CONSENT

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.4025 (New)

Legal Deadline: None

Abstract: This rulemaking will establish a method for action by national bank shareholders through unanimous written consent. The procedure would be available whenever a shareholders' meeting is not required by law, thus saving national banks the legal and regulatory burden of holding a shareholders' meeting. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mitchel Mertens, Attorney, Securities & Corporate Practices Division, Department of the Treasury, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1954

RIN: 1557–AA93

2354. ● MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This proposed regulation would make various technical and conforming amendments to the risk-based capital guidelines applicable to national banks. These amendments would make a variety of changes to clarify the provisions relating to (1) the definition of central government, (2) the unused portion of commitments, (3) the calculation of Tier 2 capital, (4) the redemption of capital instruments, (5) the authority of the OCC to permit supervisory goodwill as capital, (6) the 25% limitation on qualifying intangibles, (7) local currency claims guaranteed by non-OECD central governments, (8) claims on non-OECD central banks, (9) assets sold with recourse, and (10) the definition of credit card lines. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer C. Kelly, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; Mark Winer, Associate Director, Economic and Policy Analysis Division, (202) 447-1924; or C. Stewart Goddin, Senior International Economic Advisor, Multinational and Regional Bank Analysis, (202) 447-1883, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Serivces Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1883

RIN: 1557–AA96

2355. ● RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: CHANGES IN DIRECTORS AND SENIOR EXECUTIVE OFFICERS

Legal Authority: 12 USC 93a; PL 101-73 FIRREA; 12 USC 1831i

CFR Citation: 12 CFR 5.51 (New)

Legal Deadline: None

Abstract: This temporary rule amending 12 CFR 5 implements Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) by adding a new section 5.51. The new section requires certain national banks to file a notice with the OCC prior to adding or replacing a member of the board of directors, and prior to employing or changing the responsibilities of an individual to a position as senior executive officer. The OCC may disapprove any proposed board member or senior executive officer whose service is not considered to be in the best interests of the depositors of the national bank or the public. The regulation will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7692
NPRM Comment Period End	05/04/90	55 FR 7692

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Frank R. Carbone, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; Kathleen O'Brien, National Bank Examiner, Bank Organization and Structure Division, (202) 447-1184; or Thuy Dinh, Attorney, Legal Advisory Services Division, (202) 447-1882, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Gerald J. Sexton, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative & Regulatory Analysis Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1632

RIN: 1557–AA97

2356. ● COMMUNITY REINVESTMENT ACT REGULATIONS

Legal Authority: 12 USC 93a; PL 101-73 FIRREA; PL 95-128, 91 Stat 1147; 12 USC 2901 et seq; 12 USC 21; 12 USC 22; 12 USC 26; 12 USC 27; 12 USC 30; 12 USC 36; 12 USC 161; 12 USC 215; 12 USC 215a; 12 USC 481; 12 USC 1814

CFR Citation: 12 CFR 25

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: This proposed rulemaking will address the disclosure and composition of the written evaluations required under the new section 807 of the Community Reinvestment Act of 1977. This provision requires each Federal depository institution regulatory agency to prepare a written evaluation of the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods. The mandated written

evaluation will contain findings and conclusions pertaining to compliance with existing assessment factors which implement the statute. Additionally, the written evaluation will contain an overall rating judging the institution's CRA performance. These ratings are required to be disclosed to the public on and after July 1, 1990. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Dennis R. Deischer, National Bank Examiner, Consumer Activities Division, (202) 287-4265, 490 L'Enfant Plaza East, SW, Washington, 20219.

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA98

2357. ● ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Legal Authority: 12 USC 93a; 12 USC 481; 12 USC 482

CFR Citation: 12 CFR 8; 12 CFR 5; 12 CFR 11; 12 CFR 16

Legal Deadline: None

Abstract: This proposed rulemaking will provide notice and an opportunity to comment on an across-the-board assessment increase for all banks regulated by the OCC, and certain changes in the OCC's fees. The fee changes are designed to recover the the OCC's costs in connection with selected corporate activities and other functions. The proposed rulemaking will also advise the public of the results and recommendations of the Comprehensive Revenue Study and will seek comments and raise questions for public response regarding these recommendations. Publication of the final rule is expected by December 3, 1990, because 12 CFR 8.8 provides that a "Notice of Comptroller of the Currency Fees" shal be published no later than the first business day in December of each year for all fees that will be charged during the upcoming year. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Janice A. Booker, Director, Customer and Industry Affairs Division, (202) 287-4169; or Roy Madsen, Associate Director, Financial Management Division, 202 447-0956, 490 L'Enfant Plaza East, SW, Washington DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1882**

RIN: 1557–AA99

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2358. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: On January 11, 1990 (55 FR 996) the OCC amended its regulations governing operating subsidiaries to set forth its existing policies on imposing conditions in approvals of national bank operating subsidiaries. In addition, a new section to Part 5 was added which requires national banks to notify the OCC of plans to make certain equity investments authorized by statute. This final rule also amended regulations governing conversions, changes in equity capital, and issuance of subordinated debt to provide time frames for consummation following preliminary approval. This final rule will not have a significant economic impact on a substantial number of small banks. The OCC is engaged in a continuing review of its rules, policies and procedures governing corporate activities. The OCC proposes to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; to clarify procedures for changes in bank control; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and (cont)

Timetable:

Action	Date	FR Cite
Equity Investments NPRM Public Comment Period End 03/28/89	01/27/89	54 FR 4038
Operating Subsidiaries NPRM Public Comment Period End 03/28/89	01/27/89	54 FR 4038
Equity Investments Final Action Effective 02/12/90	01/11/90	55 FR 996
Operating Subsidiaries Final Action Effective 02/12/90	01/11/90	55 FR 996
Applicants' Responsibility	00/00/00	
Change in Bank Control	00/00/00	
Forms Distribution	00/00/00	
Technical Amendments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities is considered in the development of each rulemaking. If adopted as final rules, the changes to Part 5 will not have a significant economic impact on a substantial number of small entities.

Agency Contact: Sheila Ogilvie, National Bank Examiner/Senior Licensing, Policy and Systems Analyst, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1184**

RIN: 1557–AA00

2359. LENDING LIMIT

Legal Authority: 12 USC 84(b)(1); 12 USC 84(d)(1); 12 USC 93a

CFR Citation: 12 CFR 32.2(d)

Legal Deadline: None

Abstract: This rulemaking will revise the definition of a "contractual commitment to advance funds" in response to comments received on the Temporary Rule on National Bank Lending Limits, at 53 FR 23752 (June 24, 1988). Comments were generally in favor of the temporary rule, but expressed concern about its impact on banks which had not experienced a decline in capital. This proposed revision will address those concerns through amendment of the definition of a "contractual commitment to advance funds." This action will return to banks some flexibility in monitoring their lending limits and outstanding loan commitments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30054
NPRM Comment Period End	09/18/89	54 FR 30054
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Deborah Katz, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA32

2360. LENDING LIMIT

Legal Authority: 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32; 12 CFR 7

Legal Deadline: None

Abstract: The OCC is considering a revision to the lending limit regulation. The revision will amend definitions, restructure and simplify the loan combination rules, and place an aggregate cap on loans to foreign governments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/24/89	54 FR 43398
NPRM Comment Period End	01/22/90	54 FR 43398
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Deborah Katz, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA72

2361. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This proposed regulation implements recent amendments to the Freedom of Information Act (FOIA). The amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the proposed regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This proposed regulation also makes technical changes to the OCC's existing FOIA regulation. The proposed regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32820
NPRM Comment Period End	10/10/89	54 FR 32820
Final Action	05/00/90	

Small Entities Affected. None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dean DeBuck, Freedom of Information Officer, (202) 447-1800, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AA77

2362. LEASING OF PERSONAL PROPERTY

Legal Authority: 12 USC 93a; 12 USC 24(7); 12 USC 24(10)

CFR Citation: 12 CFR 7.3400

Legal Deadline: None

Abstract: The proposed regulation will interpret new statutory lease financing authority provided to national banks by Section 108 of the Competitive Equality Banking Act of 1987, codified at 12 USC 24(10). The OCC is considering what prudential guidelines, if any, are needed, in order to ensure that national banks conduct this new activity safely. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53071
NPRM Comment Period End	02/26/90	54 FR 53071
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1883

RIN: 1557–AA80

2363. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12.7

Legal Deadline: None

Abstract: This rulemaking would broaden an exemption from requirements that banks maintain certain records and establish certain written policies and procedures. Under the proposal, the current exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year. The purpose of broadening the exemption from 200 transactions per year to 1,000 transactions per year is to reduce the regulatory burden on banks of all sizes that engage in a low number of securities transactions per year. Small entities are the primary beneficiaries of this burden-reducing amendment.

Timetable:

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32653
NPRM Comment Period End	10/10/89	54 FR 32653
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1901

RIN: 1557–AA84

2364. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; PAYMENT OF DIVIDENDS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5.61; 12 CFR 5.62; 12 CFR 7.6100; 12 CFR 7.6125

Legal Deadline: None

Abstract: This rulemaking will amend two interpretive rulings in 12 CFR 7 and promulgate them as regulations in 12 CFR 5. The amendments are needed to revise and clarify certain OCC interpretations of statutes that govern the payment of dividends by national banks (12 USC 56 and 60). The intended effect is to make the calculation of the restrictions on the payment of dividends by national banks consistent with generally accepted accounting principles (GAAP). The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33711
NPRM Comment Period End	10/16/89	54 FR 33711
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald Shimabukuro, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1883

RIN: 1557–AA86

2365. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The OCC is proposing to amend its capital regulation in 12 CFR 3. Primarily, this amendment would (1) make the definition of capital in 12 CFR 3.2 and in the OCC's recently published risk-based capital guidelines consistent and (2) change the minimum capital ratio in 12 CFR 3.6. This amendment will limit the amount of leverage a national bank can undertake. The intended effect of this amendment is to ensure the continued safety and soundness of the national banking system. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	54 FR 46394
NPRM Comment Period End	01/02/90	54 FR 46394
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer C. Kelly, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; or Mark Winer, Associate Director, Economic and Policy Analysis Division, (202) 447-1924, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, 202 447-1883

RIN: 1557–AA87

2366. ● REAL ESTATE LENDING AND APPRAISALS

Legal Authority: 12 USC 93a; 12 USC 371; 12 USC 1701j-3; PL 101-73, 103 Stat 183, 511 (1989)

CFR Citation: 12 CFR 34

Legal Deadline: NPRM, Statutory, February 9, 1990. Final, Statutory, August 9, 1990.

Abstract: The proposed regulation is being promulgated as mandated by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("Title XI"), P.L. 101-73, 103 Stat. 183, 511. Title XI was enacted to address abuses in the appraisal industry contributing to losses by depository institutions and is designed to protect Federal financial and public policy interests in real estate-related financial transactions by requiring appraisals to be performed in accordance with uniform standards by individuals whose competency has been demonstrated. The proposed regulation will implement the minimum appraisal standards required by Title XI and require compliance with additional appraisal standards as permitted under the statute. Similar rules are being proposed by the other Federal financial

TREAS—OCC **Final Rule Stage**

institutions regulatory agencies. The OCC anticipates that this proposal may increase, to some degree, costs of appraisals for borrowers and national banks. However, these increased costs should be more than offset by savings realized from decreased losses attributable to having better information about (cont)

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the value of real estate in federally related transaction. The effect on small entities will be considered in the development of this rulemaking.

ADDITIONAL AGENCY CONTACT: Tommy R. Tucker, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Horace G. Sneed, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1881**

RIN: 1557–AA95

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2367. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 781(h); 15 USC 781(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; 15 USC 78o-5; 12 USC 3102; 12 USC 3108(a); 12 USC 504; 12 USC 93(b); 31 USC 330

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: The proposed regulation sets forth amendments to the hearing rules for administrative hearings.

Timetable:

Action	Date	FR Cite
NPRM	05/26/89	54 FR 22759
NPRM Comment Period End	07/25/89	54 FR 22759
Final Action	04/06/90	55 FR 13010
Final Action Effective	05/07/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Daniel Stipano, Assistant Director, Enforcement and Compliance Division, (202) 447-1818, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Brenda Curry, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1632**

RIN: 1557–AA43

2368. RECEIVERSHIP AND CONSERVATORSHIP

Legal Authority: 12 USC 93a; 12 USC 191 to 200

CFR Citation: 12 CFR 5.49

Legal Deadline: None

Abstract: This final rule articulates certain of the factors the OCC may consider in determining whether to appoint a receiver for a national bank. These factors are a national bank's net worth and/or its liquidity. In addition, this final rule changes the OCC's method of measuring net worth for insolvency purposes. This final rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	07/05/89	54 FR 28072
NPRM Comment Period End	09/05/89	54 FR 28072
Final Action	11/28/89	54 FR 48851

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Kennard L. Page, National Bank Examiner, Special Supervision Division, (202) 447-1719, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1882**

RIN: 1557–AA82

2369. ● NATIONAL BANKS' LENDING LIMITS; LOANS TO FOREIGN GOVERNMENTS

Legal Authority: 12 USC 93a; 12 USC 84

CFR Citation: 12 CFR 32

Legal Deadline: None

Abstract: This rulemaking amends the national bank lending limit regulation with respect to the treatment of loans to a foreign government, its agencies, and instrumentalities when a foreign government debt restructuring has taken place. In many foreign government debt restructurings, loans to separate governmental agencies are consolidated under one borrower, usually the central government or another central facility. This may cause existing loans that were within a bank's legal lending limit for each borrower prior to restructuring to be over the legal lending limit for the central borrower after the loans are consolidated in a restructuring. The rule prevents this by providing that, after the restructuring, the loans will be attributed to the original borrowers for lending limit purposes and remain subject to the legal lending limits for those borrowers. The rule also applies an overall limit on loans to a single foreign government, its agencies or instrumentalities when a restructuring has occurred. The limit is 50 percent of a bank's unimpaired capital and surplus. This regulation will not have a significant economic impact on a substantial number of small businesses.

TREAS—OCC **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	01/10/90	55 FR 854
Final Action Effective	01/10/90	55 FR 854
Comments Period End	03/12/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Jose Tuya, Senior Advisor, International Banking and Finance, (202) 447-1700, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Richard H. Cleva, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1883**

RIN: 1557–AB01

[FR Doc. 90-6981 Filed 04-20-90; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291 "Federal Regulations," Customs is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The projects listed below are not considered to be "major" regulations within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional, specific statutory authority is indicated as the legal authority for the project.

Dated: February 16, 1990.

John B. O'Loughlin,

Acting Assistant Commissioner, Office of Commercial Operations.

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2370	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
2371	19 CFR 134 Country of Origin Marking	1515-AA59
2372	19 CFR 161 Informers Compensation	1515-AA82
2373	19 CFR 10 United States-Israel Free Trade	1515-AA84
2374	19 CFR 111 Broker Compliance	1515-AA85
2375	19 CFR 12.80 Vehicle Safety, Bumper and Anti-Theft Compliance	1515-AA89
2376	19 CFR 111.14 Contracting Out of Investigations	1515-AA90
2377	19 CFR 171 Delegation of Additional Authority to Customs Field Officers in 1592 Proceedings	1515-AA91
2378	19 CFR 141 Permit Use of Blanket Release Orders	1515-AA96
2379	19 CFR 122 Airport Security Area Bond Wavier	1515-AA97
2380	19 CFR 132 Quota Processing	1515-AA98

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2381	19 CFR 4 Customs User Fees	1515-AA50
2382	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2383	19 CFR 4 Conforming Customs Regulations to Harmonized System of Tariff Classification	1515-AA61
2384	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana	1515-AA67
2385	19 CFR 122 Overflight Exemptions for Private Aircraft; Fingerprinting Requirements	1515-AA69
2386	19 CFR 12 Import Sanctions Against the Toshiba Machine Company and The Kongsberg Trading Company	1515-AA74
2387	19 CFR 10 United States-Canada Free Trade Agreement	1515-AA75
2388	19 CFR 122 Air Carrier Smuggling Prevention Program	1515-AA78
2389	19 CFR 111 Electronic Entry Filing	1515-AA79

TREAS—CUSTOMS

United States Customs Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2390	19 CFR 4 Electronic Release Notification	1515-AA80
2391	19 CFR 133 Enforcement of Protection of Semiconductor Chip Products; Patent Surveys	1515-AA81
2392	19 CFR 134.43 Country of Origin Marking of Native American-Style Arts and Crafts	1515-AA83
2393	19 CFR 12 Definition of Switchblade Knives	1515-AA86
2394	19 CFR 24 Donated Cargo Exemption from Harbor Maintenance Fee	1515-AA87
2395	19 CFR 142 Requirement of Name and Address of Manufacturer/Shipper To Be on Invoice at Time of Entry	1515-AA88
2396	19 CFR 133 Removal of Customs Regulation on Gray Market Goods	1515-AA92
2397	19 CFR 134 Seizure of Merchandise Under Section 1595a(c) for Repetitive Non-Compliance With Marking Laws	1515-AA93
2398	19 CFR 103 Dissemination of Manifest Data Tapes	1515-AA94
2399	19 CFR 122 Additional User Fee Airports	1515-AA95
2400	19 CFR 122 Aircraft Arriving From Puerto Rico and U.S. Virgin Islands	1515-AA99
2401	19 CFR 12 Import Restrictions on Archaeological Materials From Peru	1515-AB00

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2402	19 CFR 24 Statement Processing and Automated Clearinghouse	1515-AA72
2403	19 CFR 132 Filling Absolute Quota	1515-AA76
2404	19 CFR 162 Seizure of Property for Possession of Controlled Substances	1515-AA77

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

United States Customs Service (CUSTOMS)

2370. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Congressional Action PL 100-418	08/23/88	
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5354

RIN: 1515–AA22

2371. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States, the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	02/22/88	
NPRM	07/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury,

United States Customs Service, Room 2212, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-5765**

RIN: 1515–AA59

2372. INFORMERS COMPENSATION

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 1646a

CFR Citation: 19 CFR 161

Legal Deadline: None

Abstract: Amends Customs Regulations relating to awards of compensation given to informants whose actions result in recoveries of any Customs duties withheld, or any fine penalty or forfeiture incurred for a violation of the Customs or navigation laws, by increasing the maximum award from $50,000 to $250,000.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2129, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8317**

RIN: 1515–AA82

2373. UNITED STATES-ISRAEL FREE TRADE

Legal Authority: 99 Stat 82; 19 USC 2112

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amend Customs Regulations to include for public information the legal and existing administrative rules under which the United States-Israel Free Trade Area is presently being conducted. Under this program, products of Israel are entitled to free or reduced rates.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-7090**

RIN: 1515–AA84

2374. BROKER COMPLIANCE

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amendment of Customs Regulations to permit more effective management of the broker community's legal requirements and to allow Customs to deal with operational problems dealing with brokers and to facilitate processing license applications and the review of penalty recommendations forwarded by District Directors.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Janiszewski, Chief, Broker Compliance and Evaluation Branch, Department of the Treasury, United States Customs Service, Room 1422, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8246**

RIN: 1515–AA85

2375. VEHICLE SAFETY, BUMPER AND ANTI-THEFT COMPLIANCE

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1912; 15 USC 2022; 19 USC 1916

CFR Citation: 19 CFR 12.80

Legal Deadline: None

Abstract: Amends Customs regulations to update them with respect to new safety standard compliance requirements, bumper standard requirements, and anti-theft standard requirements of the National Highway Traffic Safety Adm., Department of Transportation. The main requirement is that imported vehicles be labeled to show compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Paterson, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8651**

RIN: 1515–AA89

2376. ● CONTRACTING OUT OF INVESTIGATIONS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641; 19 USC 1551; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 111.14; 19 CFR 112

Legal Deadline: None

Abstract: Amends Customs regulations to permit the contracting out of investigations which Customs is required to perform.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Interim Final Rule	10/20/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Algozzini, Project Officer, Department of the Treasury, United States Customs Service, Room B420, Washington, DC 20229, **202 535-6194**

RIN: 1515–AA90

2377. ● DELEGATION OF ADDITIONAL AUTHORITY TO CUSTOMS FIELD OFFICERS IN 1592 PROCEEDINGS

Legal Authority: 19 USC 1592; 19 USC 66; 19 USC 1623; 19 USC 1624; 19 USC 1618

CFR Citation: 19 CFR 171; 19 CFR 172

Legal Deadline: None

Abstract: Proposal to delegate additional authority to Customs field officers to make decisions on petitions and supplemental petitions in section 1592 proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

TREAS—CUSTOMS **Proposed Rule Stage**

Agency Contact: Sandra L. Gethers, Attorney, Department of the Treasury, United States Customs Service, Room 2114, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA91

2378. ● PERMIT USE OF BLANKET RELEASE ORDERS

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624; 19 USC 1483

CFR Citation: 19 CFR 141

Legal Deadline: None

Abstract: Amend Customs Regulations to permit use of blanket release orders by carriers.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	
Interim Final Rule	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Pfeiffer, Project Coordinator, Department of the Treasury, United States Customs Service, Room 4134, 1303 Constitution Avenue, NW., Washington, DC 20229, 202 566-5354

RIN: 1515–AA96

2379. ● AIRPORT SECURITY AREA BOND WAVIER

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Proposal to allow waiver of airport security area bond by District Directors for airport authorities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Carr, Inspector, Department of the Treasury, United States Customs Service, Room 4146, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2140

RIN: 1515–AA97

2380. ● QUOTA PROCESSING

Legal Authority: 19 USC 1624; 19 USC 1202; 19 USC 66; 19 USC 1623

CFR Citation: 19 CFR 132; 19 CFR 141; 19 CFR 142

Legal Deadline: None

Abstract: Proposal to permit certain filers using the automated broker interface who pay duties and taxes through the statement processing program using the ACH electronic payment mechanism to receive a date and time of presentation for quota merchandise consistent with the date and time of arrival of the carrier on which the quota class merchandise was carried even if the Customs office is not open at that time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Mays, Operations Officer, Department of the Treasury, United States Customs Service, ICC Building, Room 2379, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8592

RIN: 1515–AA98

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2381. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the United States as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending Internal decision	05/01/88	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-9425

RIN: 1515–AA50

2382. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 623; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198

Action	Date	FR Cite
Interim Final Rule Public Comment Period End	08/28/87	
Comments being analyzed	02/08/88	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8301

RIN: 1515–AA57

2383. CONFORMING CUSTOMS REGULATIONS TO HARMONIZED SYSTEM OF TARIFF CLASSIFICATION

Significance: Agency Priority

Legal Authority: 5 USC 310; 19 USC 66; 19 USC 1624; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1557; 19 USC 1559; 19 USC 81a to 81u; 19 USC 1751; 19 USC 1401a; 19 USC 1500; 19 USC 1313; 5 USC 552; 31 USC 483a; ...

CFR Citation: 19 CFR 4; 19 CFR 7; 19 CFR 10; 19 CFR 11; 19 CFR 12; 19 CFR 18; 19 CFR 19; 19 CFR 24; 19 CFR 54; 19 CFR 101; 19 CFR 103; 19 CFR 111; 19 CFR 113; 19 CFR 114; 19 CFR 122; ...

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations by removing all references to the Tariff Schedule of the United States and inserting in their stead the appropriate Harmonized Tariff Schedule of the United States reference.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51244
Comment Period End	02/07/90	54 FR 47348
Final Action	10/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Black, Attorney, Department of the Treasury, United States Customs Service, Room 2146, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8530

RIN: 1515–AA61

2384. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Agency Priority

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4835
NPRM Comment Period End	04/03/89	
Final Action	12/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2131, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA67

2385. OVERFLIGHT EXEMPTIONS FOR PRIVATE AIRCRAFT; FINGERPRINTING REQUIREMENTS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to Customs Regulations to provide fingerprint requirement as part of the application process for all usual and anticipated pilots and crew members seeking overflight exemptions for flights that do not involve air ambulance operations or the non-emergency transport of persons seeking medical treatment in the U.S. Amendment will allow Customs to conduct more thorough background investigations on applicants and thus provide better control over air traffic arriving from the direction of countries that are major sources of illegal drugs.

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3490
NPRM Comment Period End	03/27/89	
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Ross, Inspector, Department of the Treasury, United States Customs Service, Room 4413, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5607

RIN: 1515–AA69

2386. IMPORT SANCTIONS AGAINST THE TOSHIBA MACHINE COMPANY AND THE KONGSBERG TRADING COMPANY

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (General Note 8, HTSUS); PL 100-418

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Legislatively mandated import sanctions imposed on Toshiba Machine Company and Kongsberg Trading Company products for a three-year period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4780
Interim Final Rule Effective	01/31/89	
Comment Period End	04/03/89	
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Interim Rule implements Executive Order 12661; issued December 28, 1988. Final Rule will be issued after analysis of comments.

TREAS—CUSTOMS

Final Rule Stage

Agency Contact: William Rosoff, Chief, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2301, Washington, DC 20229, 202 566-5856

RIN: 1515–AA74

2387. UNITED STATES-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1499; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 58; 19 USC 1498

CFR Citation: 19 CFR 10; 19 CFR 24; 19 CFR 148

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations to implement the duty preferences of the United States-Canada Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51762
Comment Period End	02/21/89	
Comment Period Extended	03/23/89	54 FR 10322
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Valentine, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2307, Washington, DC 20229, 202 566-8181

RIN: 1515–AA75

2388. AIR CARRIER SMUGGLING PREVENTION PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509; 19 USC 1584 note

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amends Customs Regulations to establish an Air Carrier Smuggling prevention program. Congressionally mandated effort to increase carrier participation in anti-drug effort by providing incentives to program participants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/89	54 FR 47761
Comment Period End	01/16/90	54 FR 47761
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Heffner, Inspector, Department of the Treasury, United States Customs Service, Room 4132, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2140

RIN: 1515–AA78

2389. ELECTRONIC ENTRY FILING

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1624

CFR Citation: 19 CFR 111; 19 CFR 113; 19 CFR 143

Legal Deadline: None

Abstract: Amend Customs Regulations to provide that immediate delivery and entry summary information could be filed electronically with Customs through the Automated Broker Interface module of Customs Automated Commercial System.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2528
NPRM Comment Period End	03/26/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Nolle, ACS Officer, Department of the Treasury, United States Customs Service, Room 2341, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-7907

RIN: 1515–AA79

2390. ELECTRONIC RELEASE NOTIFICATION

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Legal Deadline: None

Abstract: Amends Customs Regulations to provide that Customs may notify parties of the release of their cargo by posting in each Customs district at the start of each business day a computer-generated list of shipments which have been authorized for release from Customs custody.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30696
NPRM Comment Period End	10/14/88	
Final Action	10/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Pfeifer, Inspector, Department of the Treasury, United States Customs Service, Room 4141, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8151

RIN: 1515–AA80

2391. ENFORCEMENT OF PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS; PATENT SURVEYS

Legal Authority: 17 USC 901 to 914; 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 133; 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: This document proposes to amend the Customs Regulations to enable persons seeking protection from infringing semiconductor chip products (mask works) to obtain the assistance of Customs in preventing pirated chips from being imported into the United States. This would give rise to a process of Customs recordation of mask works similar to that for copyrights.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40882
NPRM Comment Period End	01/24/90	55 FR 2386
Interim Final Rule	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Atwood, Director, Intellectual Property Rights Task Force, Department of the Treasury, United States Customs Service, Room 4117, 1301 Constitution

Avenue, NW., Washington, DC 20229, 202 566-8933

RIN: 1515–AA81

2392. COUNTRY OF ORIGIN MARKING OF NATIVE AMERICAN-STYLE ARTS AND CRAFTS

Legal Authority: PL 100-48, sec 1907(c)

CFR Citation: 19 CFR 134.43

Legal Deadline: None

Abstract: Amends regulations to require more permanent methods of marking for Native American-style arts and crafts.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36039
NPRM Comment Period End	03/20/90	55 FR 1837
Final Action	10/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, Room 2137, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5765

RIN: 1515–AA83

2393. DEFINITION OF SWITCHBLADE KNIVES

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1625; 15 USC 1241

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Amend Regulations to clarify scope of prohibited knives and also to include a new congressionally mandated type of knife within prohibition.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34186
NPRM Comment Period End	12/17/89	54 FR 43826
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2104, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5765

RIN: 1515–AA86

2394. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 58a; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; 19 USC 58b; 19 USC 58c

CFR Citation: 19 CFR 24

Legal Deadline: None

Abstract: Amends interim Customs Regulations relating to harbor maintenance fees. The interim regulations established a shipping fee for transporting cargo on specified U.S. waterways. The Act was amended to include an exemption for nonprofit organizations or cooperatives which own or finance cargo determined by Customs to be intended for use in humanitarian or development assistance overseas. This amendment sets forth the applicability and terms of this exemption.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Barbare, Operations Officer, User Fee Task Force, Department of the Treasury, United States Customs Service, Room 4112, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8684

RIN: 1515–AA87

2395. REQUIREMENT OF NAME AND ADDRESS OF MANUFACTURER/SHIPPER TO BE ON INVOICE AT TIME OF ENTRY

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 142

Legal Deadline: None

Abstract: Amends regulations to require the manufacturer or shipper name and address be placed on the invoice presented at the time of entry. This information is needed to enable Customs Automated Commercial System cargo processing module to operate as designed. Currently this data is not required to be supplied to Customs.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47219
NPRM Comment Period End	12/13/89	
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Pat Flynn, Inspector, Department of the Treasury, United States Customs Service, Room 3135, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5354

RIN: 1515–AA88

2396. ● REMOVAL OF CUSTOMS REGULATION ON GRAY MARKET GOODS

Significance: Agency Priority

Legal Authority: 17 USC 101; 17 USC 601; 17 USC 602; 19 USC 66; 19 USC 1624; 31 USC 9701; 15 USC 1124; 19 USC 1526

CFR Citation: 19 CFR 133

Legal Deadline: None

Abstract: Amendment would extend Customs protection to U.S. owners where a recorded trademark or trade name was applied to articles of foreign manufacture under authorization of U.S. owner.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51035
NPRM Comment Period End	02/12/90	54 FR 51035
Interim Final Rule	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Atwood, Attorney, Department of the Treasury, United States Customs Service, Room 4117, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5765

RIN: 1515–AA92

2397. ● SEIZURE OF MERCHANDISE UNDER SECTION 1595A(C) FOR REPETITIVE NON-COMPLIANCE WITH MARKING LAWS

Significance: Agency Priority

TREAS—CUSTOMS **Final Rule Stage**

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1595a(c); 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amends Customs Regulations to permit seizure of merchandise in instances where like merchandise has been attempted to be imported and been found to be in violation of the marking laws and the importer was notified of the violation and warned that repeat violations could result in seizures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Pisani, Attorney, Department of the Treasury, United States Customs Service, Room 2116, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8317**

RIN: 1515–AA93

2398. ● DISSEMINATION OF MANIFEST DATA TAPES

Legal Authority: 5 USC 301; 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Rule to specify Customs policy for providing manifest data tapes to the public.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Debbie Flickinger, Resource Management Specialist, Department of the Treasury, United States Customs Service, Room 7319, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-5260**

RIN: 1515–AA94

2399. ● ADDITIONAL USER FEE AIRPORTS

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Rule adding additional airports to list of user fee airports.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph O'Gorman, Inspector, Department of the Treasury, United States Customs Service, Room 4126, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8157**

RIN: 1515–AA95

2400. ● AIRCRAFT ARRIVING FROM PUERTO RICO AND U.S. VIRGIN ISLANDS

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Rule to require aircraft arriving from Puerto Rico or U.S. Virgin Islands to comply with landing requirements for private aircraft arriving from areas south of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bamford, Enforcement Aviation Operations Officer, Department of the Treasury, United States Customs Service, Room 5303, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 535-9310**

RIN: 1515–AA99

2401. ● IMPORT RESTRICTIONS ON ARCHAEOLOGICAL MATERIALS FROM PERU

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 2612

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Amends Customs Regulations to impose import restrictions on archaeological artifacts from Peru. Action mandated pursuant to the Convention of Cultural Property Implementation Act and a determination of the Director, USIA that such restrictions are necessary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2104, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-5765**

RIN: 1515–AB00

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2402. STATEMENT PROCESSING AND AUTOMATED CLEARINGHOUSE

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-662; 19 USC 197; 19 USC 198; 19 USC 1648

CFR Citation: 19 CFR 24; 19 CFR 132; 19 CFR 141; 19 CFR 142; 19 CFR 143

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to provide users of Customs Automated Broker Interface with the option of paying their entry/entry summaries and entry summaries by the statement processing method and to require ABI filers who use statement

processing to pay their statements through the use of the Automated Clearinghouse electronic payment mechanism. Further, entries of quota class merchandise and other special classes of merchandise designated by Customs Headquarters would be permitted to be paid through statement processing.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10019
NPRM Comment Period End	05/08/89	
Final Action	12/07/89	54 FR 50493
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Childress, ACS Specialist, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2343, Washington, DC 20229, 202 566-0778

RIN: 1515–AA72

2403. FILLING ABSOLUTE QUOTA

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 132

Legal Deadline: None

Abstract: Amends Customs Regulations to provide that importers may not transfer allotment from one port of entry to another for absolute quotas that fill at opening. Procedure will reduce labor required by Customs in processing absolute quota merchandise, expedite the release of merchandise and provide more timely statistical information.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7781
NPRM Comment Period End	04/24/89	
Withdrawn	10/04/89	54 FR 40887

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Cooper, Operations Officer, Department of the Treasury, United States Customs Service, Room 2379, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8592

RIN: 1515–AA76

2404. SEIZURE OF PROPERTY FOR POSSESSION OF CONTROLLED SUBSTANCES

Significance: Regulatory Program

Legal Authority: 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 162; 19 CFR 171

Legal Deadline: None

Abstract: Amends Customs Regulations to provide certain expedited procedures when property is seized due to violations involving the possession of personal use quantities of controlled substances.

Timetable:

Action	Date	FR Cite
NPRM	04/10/89	54 FR 14242
NPRM Comment Period End	05/10/89	
Final Action	09/11/89	54 FR 37600
Final Action Effective	10/11/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2129, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA77

[FR Doc. 90-6982 Filed 04-20-90; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from April 1, 1990, through March 31, 1991. Determinations with respect to the agenda were made as of January 31, 1990. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert Boyer, (202) 566-3935 (not a toll-free call), Regulations Unit, Office of the Assistant Chief Counsel (Corporate), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Attention: CC:CORP:T:R.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in October of 1990.

Description

This semiannual agenda of regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 31, 1990, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Assistant Chief Counsel (Disclosure Litigation), Assistant Chief Counsel (General Litigation), and Associate Chief Counsel (International) of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title, priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority

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for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under Additional Information, there is provided the control number of the project within the Chief Counsel's office and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Fred T. Goldberg,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2405	26 USC 0130 Income Tax—Part 1 Personal Injury Liability Assignments	1545-AF39
2406	26 USC 0135 Exclusion From Gross Income for Income From U.S. Savings Bonds Used To Pay Tuition and Fees	1545-AN18
2407	26 USC 0148 Recovery of Overpayments of Arbitrage Rebate	1545-AO15
2408	26 USC 0148(i) Allocation Rules for Bond Proceeds	1545-AO14
2409	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to RICs and REITs	1545-AL65
2410	26 USC 0338 Application of Installment Method to Deemed Sale of Assets	1545-AM84
2411	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2412	26 USC 0384 Limitation on Use of Preacquisition Losses to Offset Built-in Gains	1545-AM48
2413	26 USC 0446 Blocked Income	1545-AL85
2414	26 USC 0482 Section 482 Regulations	1545-AL80
2415	26 USC 0482 Section 482 Cost Sharing Regulations	1545-AM00
2416	26 USC 0834 Interest Deduction under Section 834(c)(5)	1545-AL07
2417	26 USC 0847 Special Estimated Tax Payments	1545-AN33
2418	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58
2419	26 USC 0882 Computation of Interest Expense Deduction	1545-AL84
2420	26 USC 0897 (c) (3) FIRPTA Cleanup	1545-AJ72
2421	26 USC 0904 Resourcing Income to Prevent Avoidance of Foreign Tax Credit Limitation Rules Relating to Foreign Losses	1545-AN87
2422	26 USC 0905 Suspension of Requirement to File a Receipt for Foreign Taxes Paid on a Return for Foreign Taxes Accrued	1545-AM43
2423	26 USC 0932 Source Rules within the Virgin Islands	1545-AL40
2424	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2425	26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances	1545-AM12
2426	26 USC 1248 Income Tax—Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2427	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL88
2428	26 USC 1248 Section 1248 Sales and Earnings and Profits	1545-AM42
2429	26 USC 1441 Revised Withholding Tax Regulation to Modify "As soon as Practical" Requirements	1545-AL19
2430	26 USC 1502 Consolidated Alternative Minimum Tax	1545-AN73
2431	26 USC 3405 (d) (13) Withholding on Certain Deferred Payments Outside the United States	1545-AL31
2432	26 USC 6011 Electronic Filing of Tax Returns	1545-AL01
2433	26 USC 6012 (a) Return Filing Requirements for Insurance Companies	1545-AN23
2434	26 USC 6331 Levy and Distraint	1545-AM70
2435	26 USC 6332 Surrender of Property Subject to Levy	1545-AN45
2436	26 USC 6334 Property Exempt From Levy	1545-AN46
2437	26 USC 6335 Sale of Seized Property	1545-AN47
2438	26 USC 6343 Authority To Release Levy and Return Property	1545-AN48
2439	26 USC 6502 Collection After Assessment	1545-AM71
2440	26 USC 6655(j) Determining Large Corporation Status for Consolidated Return Groups Paying Estimated Tax	1545-AM75
2441	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2442	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2443	26 USC 7518 Treatment of Lease Payments as Qualified Withdrawals From a Capital Construction Fund Established Under Sec. 607(a) of the Merchant Marine Act of 1936	1545-AN90

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2444	26 USC 0001 Income Tax—Deduction for Bus Operating Authorities and Freight	1545-AJ18
2445	26 USC 0025(c) Mortgage Credit Certificates and Targeted Areas	1545-AO05
2446	26 USC 0055 Income Tax—Alternative Minimum Tax	1545-AE80
2447	26 USC 0055 Minimum Tax Credit and Other Miscellaneous Rules Relating to the Alternative Minimum Tax	1545-AJ86
2448	26 USC 0056 Income Tax—Inventory Adjustment for the Alternative Minimum Tax	1545-AL02

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2449	26 USC 0057 Income Tax-Minimum Tax; Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2450	26 USC 0061 Amendment to the Regulations Under Section 61 to Conform the Treatment of Bond Premium Income to the Constant Yield Method	1545-AL92
2451	26 USC 0072 Loans Treated as Distributions	1545-AE41
2452	26 USC 0072 Ten Percent Additional Tax on Early Distribution From Qualified Plans	1545-AN16
2453	26 USC 0079 Removing Gender Distinction From Mortality Tables	1545-AK50
2454	26 USC 0079 Section 79 Table I Update	1545-AN54
2455	26 USC 0083 Study of Application of Section 302 and Section 1.83(d)	1545-AN55
2456	26 USC 0103 To Provide Regulations Under Section 147 (b)—Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2457	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2458	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2459	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2460	26 USC 0108 Income Tax—Discharge of Indebtedness	1545-AA67
2461	26 USC 0117 Exclusion of Qualified Scholarships and Fellowships from Gross Income	1545-AJ87
2462	26 USC 0117 (d) Qualified Tuition Reductions	1545-AI13
2463	26 USC 0119 (d) Income Tax—Tax Treatment of Faculty Housing	1545-AJ21
2464	26 USC 0129 Dependent Care Assistance	1545-AN17
2465	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond"	1545-AM01
2466	26 USC 0142 Tax-Exempt Bonds for Residential Rental Projects	1545-AJ66
2467	26 USC 0145 Qualified 501 (c) (3) Bonds	1545-AJ39
2468	26 USC 0146 State Volume Cap for Tax-exempt Bonds	1545-AJ37
2469	26 USC 0149 Advance Refundings	1545-AL91
2470	26 USC 0162 Income Tax—To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2471	26 USC 0162 Deductions with Respect to Noncash Fringe Benefits	1545-AM40
2472	26 USC 0162 (g) Definition of Related Violation	1545-AK83
2473	26 USC 0163 Qualified Residence Interest	1545-AL67
2474	26 USC 0163 Prohibition on Foreign Targeting Obligations Backed by United States Government Securities	1545-AM19
2475	26 USC 0163 Earnings Stripping Payments	1545-AO24
2476	26 USC 0168 Income Tax—Normalization Requirement for Public Utility Property	1545-AA88
2477	26 USC 0168 Modification of ACRS	1545-AJ38
2478	26 USC 0168(d) Applicable Conventions Under the Accelerated Cost Recovery System	1545-AN81
2479	26 USC 0168(i)(4) General Asset Accounts Under the Accelerated Cost Recovery System	1545-AN82
2480	26 USC 0179 Election to Expense Certain Depreciable Assets	1545-AL74
2481	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2482	26 USC 0195 Income Tax—To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2483	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations	1545-AL94
2484	26 USC 0246A Income Tax—Debt-Financed Portfolio Stock	1545-AH39
2485	26 USC 0263A (f) Notice of Proposed Rulemaking—Capitalization of Interest Expense	1545-AK01
2486	26 USC 0267(a)(3) Deductions of Amounts Owed to Related Foreign Persons Under Sections 267(a)(3) and 163(e)(3)	1545-AN83
2487	26 USC 0269B Rules for Treatment of Foreign Corporation Whose Stock Is Stapled to the Stock of a Domestic Corporation	1545-AN20
2488	26 USC 0274 Income Tax—To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2489	26 USC 0280F Automobiles Inclusion Amounts for Calendar Years After 1988	1545-AO04
2490	26 USC 0302 Certain Attribution Rules and Certain Corporate Reorganizations	1545-AF13
2491	26 USC 0306 Amend Regulations on Section 306 Stock and Earnings and Profits in Light of Commissioner v. Clark	1545-AO35
2492	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK29
2493	26 USC 0337 Recognition of Gain or Loss on Liquidating Sales and Distributions of Property	1545-AK90
2494	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AK25
2495	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338 (h) (10)	1545-AK31
2496	26 USC 0338 Gain or Loss Ignored by Target Corporation Upon its Deemed Sale of Affected Target Stop	1545-AN85
2497	26 USC 0338 Foreign Personal Holding Companies and Section 338	1545-AO28
2498	26 USC 0358 Income Tax—Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2499	26 USC 0367 Section 361 Outbound Transfers of Property to Foreign Corporations	1545-AM97
2500	26 USC 0367 (b) Certain Exchanges Described in More Than One Code Section	1545-AN58
2501	26 USC 0382 Computation of Section 382 Limitation	1545-AK27
2502	26 USC 0382 Corporate Contractions Under Section 382	1545-AO21

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2503	26 USC 0382 Reorganizations in Bankruptcy; Stock-for-Debt Exchanges; Use of Parent Corporation Stock; Triangular "G" Reorganizations	1545-AO30
2504	26 USC 0401 (a) (4) Nondiscrimination Requirements for Qualified Plans	1545-AM95
2505	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 403(b) Annuities	1545-AI90
2506	26 USC 0404 Income Tax—Employee Stock Ownership Plan Loan Payments	1545-AD77
2507	26 USC 0409 Income Tax—Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2508	26 USC 0409 Income Tax—Part 1; Estate Tax—Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986	1545-AI87
2509	26 USC 0410 (b) Special Rules in Merger and Acquisition	1545-AM94
2510	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans	1545-AL53
2511	26 USC 0414 (r) Definition of Line of Business	1545-AL23
2512	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2513	26 USC 0422A Incentive Stock Options	1545-AN26
2514	26 USC 0442 Inc. Tax—Part 1—Amendment of Section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2515	26 USC 0446 Timing, Character and Source of Income With Respect to Notional Principal Contracts	1545-AN15
2516	26 USC 0453 Income Tax—Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2517	26 USC 0453 Income Tax—Installment Sales Between Related Parties	1545-AB45
2518	26 USC 0453 Income Tax—Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2519	26 USC 0453 Income Tax Regulations—Part 1—Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2520	26 USC 0457 Income Tax—Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2521	26 USC 0460 Accounting for Long-term Contracts	1545-AJ28
2522	26 USC 0461 (h) Income Tax Regulations—The Economic Performance Requirement	1545-AH32
2523	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2524	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2525	26 USC 0465 Application of At-Risk Limitations to the Holding of Real Property	1545-AK08
2526	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2527	26 USC 0468A Disposition of an Interest in a Nuclear Power Plant	1545-AN06
2528	26 USC 0469 Limitations on Passive Activity Losses and Credits - Miscellaneous	1545-AO02
2529	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2530	26 USC 0514 Income Tax—Unrelated Trade or Business Income	1545-AE00
2531	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2532	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN71
2533	26 USC 0612 Income Tax—Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2534	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2535	26 USC 0643 Clarification of Section 1.643 (a) (3) Relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2536	26 USC 0667 Accumulation Trusts	1545-AM76
2537	26 USC 0671 Revision of Reporting Requirements for Grantor Trusts	1545-AN77
2538	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2539	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2540	26 USC 0706 Income Tax—Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2541	26 USC 0707 Income Tax—Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2542	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2543	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2544	26 USC 0832 Treatment of Salvage Recoverable Under Section 832	1545-AO17
2545	26 USC 0842 Taxation of Foreign Insurance Companies Doing Business in the United States Including the Explication of the Minimum Net Investment Income Calculation	1545-AN31
2546	26 USC 0842 (b) Foreign Insurance Companies	1545-AL82
2547	26 USC 0846 Income Tax Regulations—Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AJ51
2548	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October 31 of a Taxable Year of a Regulated Investment Company	1545-AM55
2549	26 USC 0860A Income Tax—Essential Issues Relating to Real Estate Mortgage Investment Conduits	1545-AJ35
2550	26 USC 0863 Transportation Income Source Rules	1545-AJ68

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2551	26 USC 0863 Proposed Income Tax Regulations Under the Tax Reform Act of 1986 —Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications	1545-AJ84
2552	26 USC 0863 Special Rules for Determining Source	1545-AN95
2553	26 USC 0864 Tiered Partnership Rules	1545-AO26
2554	26 USC 0864 (c) (6) Treatment of Deferred Payments and Appreciation Arising Out of Business Conducted Within the United States	1545-AM53
2555	26 USC 0865 Source Rules for Personal Property Sales	1545-AJ83
2556	26 USC 0871 Employment Taxes—Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM30
2557	26 USC 0872 (b) Income Tax—Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2558	26 USC 0897 Income Tax—Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests	1545-AL77
2559	26 USC 0902 Deemed Paid Credit under Sections 902 and 960 Determined on Accumulated Basis	1545-AL98
2560	26 USC 0902 Conforming Taxable Years of CFCs and FPHCs: 1989 Change	1545-AO22
2561	26 USC 0904 (c) Carryback and Carryforward of Foreign Tax Credits	1545-AM18
2562	26 USC 0904 (d) Separate Application of Section 904 With Respect to Certain Categories of Income	1545-AM54
2563	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AM11
2564	26 USC 0931 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI	1545-AJ80
2565	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes	1545-AJ55
2566	26 USC 0932 (b) Regulations Under Section 932(b)	1545-AM89
2567	26 USC 0936 (h) Amendment of Section 936(h) with Respect to Election of Product	1545-AK77
2568	26 USC 0953 Section 953 - Insurance Income	1545-AN89
2569	26 USC 0953(d) Foreign Insurance Company - Domestic Election	1545-AO25
2570	26 USC 0955 Subpart F Shipping Amendments	1545-AM46
2571	26 USC 0986 Determination of Foreign Taxes and Foreign Corporation's Earnings and Profits	1545-AN37
2572	26 USC 0987 Computation of a Branch's Taxable Income; Taxation of Exchange Gain or Loss on Branch Remittances	1545-AN32
2573	26 USC 0993 DISC Regulations	1545-AM05
2574	26 USC 1031 Regulations Relating to Inapplicability of Section 1031 to Exchanges of Partnership Interests and the Limitation on Deferred Exchanges	1545-AH43
2575	26 USC 1031 Additional Rules for Exchanges of Personal Property and for Exchanges of Multiple Properties	1545-AN38
2576	26 USC 1058 Sourcing of Pass-Through Payments and Fees Paid in International Short Sales of Stock	1545-AN34
2577	26 USC 1059 Income Tax—Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2578	26 USC 1092 Income Tax—Tax Straddles	1545-AC21
2579	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL89
2580	26 USC 1253 Income Tax—To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2581	26 USC 1254 Income Tax—Gain from Disposition of Interest in Oil, Gas, Geothermal or Other Mineral Properties by S Corporations and Their Shareholders	1545-AM98
2582	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2583	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2584	26 USC 1275(d) The Treatment of Price Level Adjustment Mortgages Under the Original Issue Discount Provisions of the Code	1545-AO03
2585	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2586	26 USC 1286 Income Tax—Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2587	26 USC 1291 Treatment of Shareholders of Passive Foreign Investment Companies	1545-AC06
2588	26 USC 1295 QEF Shareholder Election	1545-AM41
2589	26 USC 1361 Income Tax—Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2590	26 USC 1366 Income Tax—Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2591	26 USC 1367 Income Tax—Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2592	26 USC 1371 Income Tax—Application of Subchapter C Rules to S Corporations	1545-AE90
2593	26 USC 1374 Cross-Reference—Application of Section 1374 Built-in Gains Tax C Corporations Electing S Corporation Status	1545-AK93
2594	26 USC 1377 Income Tax—Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2595	26 USC 1441 General Revision of Section 1441 Regulations	1545-AO27
2596	26 USC 1446 Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL30
2597	26 USC 1491 Revision of Regulations Under Sections 1491, 1492, and 1494	1545-AN39
2598	26 USC 1492 Nontaxable Transfers under Section 1491	1545-AL96
2599	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AC47

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2600	26 USC 1502 Income Tax—Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2601	26 USC 1502 Clarifying Deletion of Requirement of Section 1.1502-47(d)(12) (C) That in Applying the Tacking Rule, Profit Life Activities Not Be Separated From Loss Life Activities	1545-AI98
2602	26 USC 1502 Cross-Reference—Consolidated Return Investment Adjustments with Respect to an Acquired Subsidiary's Built-in Gains or Losses	1545-AK94
2603	26 USC 1502 Consolidated Returns	1545-AL44
2604	26 USC 1502 Revision of Section 1.1502-33	1545-AL60
2605	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Organizations Whose Tax Exempt Status was Repealed by the 1986 Act	1545-AM49
2606	26 USC 1502 Payment of Refunds to Certain Fiduciaries of Insolvent Members of Affiliated Groups	1545-AM74
2607	26 USC 1502 Consolidated Return Regulations—Modification of Restoration Rules Relating to Deferred Gain Property Sold Outside the Group in Installment Sale	1545-AO44
2608	26 USC 1504 Income Tax—Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2609	26 USC 1504 Income Tax—Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2610	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2611	26 USC 2032 Estate Tax—Valuation of Certain Farm, etc. Real Property	1545-AC62
2612	26 USC 2036 Estate Tax—Inclusion of Estate Freezes	1545-AM59
2613	26 USC 2055 Reformation of Charitable Transfers; Definition of Guaranteed Annuity and Lead Unitrust Interest	1545-AO31
2614	26 USC 2056 Alien Spouse Marital Deduction	1545-AM85
2615	26 USC 2663 Estate Tax—Generation-Skipping Transfer Tax	1545-AL75
2616	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2617	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2618	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2619	26 USC 401(k) Additional Guidance on Cash or Deferred Arrangements	1545-AN88
2620	26 USC 4081 Excise Tax—Collection of Excise Tax Imposed on the Sale or Removal of Gasoline	1545-AJ09
2621	26 USC 4081 Modification of the Gasahol Regulations to Increase the Tolerance Allowed to the 10 Percent Alcohol Mixture and to Clarify the Later Blending Rules	1545-AM86
2622	26 USC 4091 Excise Tax on Diesel Fuel	1545-AL43
2623	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AM32
2624	26 USC 4181 Revision of Section 48.4181-1(a)(2) of the Manufacturers and Retailers Excise Tax Regulations Relating to the Tax on Firearm Parts and Accessories	1545-AL72
2625	26 USC 4471 A Tax of $3.00 a Passenger is Imposed on Each Covered Voyage by a Commercial Vessel. This Tax is Paid by the Person Providing the Covered Voyage	1545-AO41
2626	26 USC 4611 Income Tax, Excise Tax, and Environmental Tax—Imposition of Taxes on Petroleum, Certain Chemicals, and Corporations and Additional Excise Taxes on Certain Fuels	1545-AJ23
2627	26 USC 4671 Tax on Certain Imported Substances	1545-AL73
2628	26 USC 468A Nuclear Decommissioning Reserve Funds	1545-AO42
2629	26 USC 4681 Tax on Ozone Depleting Chemicals	1545-AO08
2630	26 USC 4940 Income Tax—Excise Tax—Procedure and Administration—Various Private Foundation Provisions	1545-AG18
2631	26 USC 4980 Excise Tax—Part 54, Reversion of Qualified Plan Assets to Employer	1545-AI82
2632	26 USC 6033 Amendment of Section 1.6033-2 (g) (5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2633	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AO10
2634	26 USC 6039D Procedure on Certain Fringe Benefits Plans	1545-AI22
2635	26 USC 6039E Information Regarding Resident Status	1545-AJ93
2636	26 USC 6043 Reporting Requirements Concerning Changes in Corporate Control or Capital Structure Under Section 6043(c), I.R.C., as amended by Section 7208(b) of the Revenue Reconciliation Act of 1989	1545-AO46
2637	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AM38
2638	26 USC 6045 Broker Reporting of Option Transactions	1545-AO40
2639	26 USC 6046A Income Tax Regulations relating to Returns as to Interests in Foreign Partnerships	1545-AK75
2640	26 USC 6047 Employment Tax—Reporting of Plan Distributions and Withholding from Pensions, Annuities, and other Deferred Income	1545-AL54
2641	26 usc 6049 Income Tax—To Require Issuers of Certificates of Deposit to Furnish Issue Price to Brokers	1545-AK36
2642	26 USC 6050I Amend Aggregation Rules for Filing Requirement	1545-AN42
2643	26 USC 6051 IRC Section 6051	1545-AN57
2644	26 USC 6159 Agreements for Payment for Tax Liability in Installments	1545-AM66
2645	26 USC 6166 Estate Tax—Procedure and Administration—Deferral and Installment Payment of Estate Tax	1545-AD23
2646	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2647	26 USC 6302 Railroad Unemployment Repayment Tax	1545-AN40
2648	26 USC 6302(e) Acceleration of Deposit Requirements for Airline Ticket Tax	1545-AO47

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Sequence Number	Title	Regulation Identifier Number
2649	26 USC 6311 Procedure and Administration Regulations—Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2650	26 USC 6323 Notice of Lien on Personal Property	1545-AM64
2651	26 USC 6325 Procedure and Administration—Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2652	26 USC 6332 Effect of Honoring a Levy	1545-AM72
2653	26 USC 6337 Requirement for Guaranteed Remittance to Redeem Property	1545-AN44
2654	26 USC 6416 Gasoline Excise Tax Definitions, Notification of Registration Requirements, and Section 6416 Procedures	1545-AL69
2655	26 USC 6621 Differential Interest Rates and Expanded Crediting of Overpayments Against Underpayments	1545-AK06
2656	26 USC 6659 Procedure & Administration—Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2657	26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns	1545-AL49
2658	26 USC 6851 Certificates of Compliance with Income Tax Laws by Departing Aliens	1545-AN97
2659	26 USC 6867 Income Tax—Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2660	26 USC 7425 Forfeiture of Land Sales Contract With Respect to Discharge of Federal Tax Lien	1545-AK24
2661	26 USC 7425 Redemptions of Real Property Under IRC 7425 - Excess Expenses	1545-AL20
2662	26 USC 7429 Review of Jeopardy Levy and Assessment Procedures	1545-AM68
2663	26 USC 7432 Civil Damages for Failure to Release Lien	1545-AM63
2664	26 USC 7433 Civil Causes of Action for Damages Sustained Due to Certain Unauthorized Actions by I.R.S.	1545-AM65
2665	26 USC 7520 Estate and Gift Tax Valuation Tables	1545-AM81
2666	26 USC 7605 Procedures Involving Taxpayer Interviews (Time and Place of Examination)	1545-AM69
2667	26 USC 7609 Procedure and Administration - Suspension of Statutes of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
2668	26 USC 7609 Extension of Statute of Limitations in John Doe Summons Disputes	1545-AM67
2669	26 USC 7654 Cover Over of Income Taxes	1545-AL18
2670	26 USC 7702 Definition of Life Insurance Contract	1545-AL08
2671	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations	1545-AL57
2672	26 USC 7805 50 Percent Excise Tax on Any Gain Realized by Person Who Receives "Greenmail"	1545-AN41
2673	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations Under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

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2674	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2675	26 USC 0025 Income Tax—Information Reporting for Mortgage Credit Certificates	1545-AI39
2676	26 USC 0025(c) Mortgage Credit Certificates in Targeted Areas	1545-AN93
2677	26 USC 0040 Alcohol Fuel Credit; Definition of Mixture	1545-AN72
2678	26 USC 0042 Low-income Housing Credit Allocation Rules and Information Reporting Requirements	1545-AJ65
2679	26 USC 0042 Clarification of Determination of Bad Debt Experience under Nonaccrual-experience Method of Accounting	1545-AK92
2680	26 USC 0042 Low-Income Housing Credit for Federally-Assisted Buildings acquired during 10-year period	1545-AL05
2681	26 USC 0042 Low Income Housing Credit Recapture Rule	1545-AL12
2682	26 USC 0048 Income Tax—Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property is Financed by Subsidized ETC	1545-AA26
2683	26 USC 0048 (q) Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2684	26 USC 0056 Book Income Adjustment	1545-AK23
2685	26 USC 0056 Income Tax—Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
2686	26 USC 0056 (g) Adjusted Current Earnings	1545-AN24
2687	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
2688	26 USC 0058(h) Application of Section 58(h) of the 1954 Code to Situations Involving NOL Carrybacks	1545-AO36
2689	26 USC 0062 Section 702 of the Family Support Act of 1988	1545-AO06
2690	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2691	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2692	26 USC 0079 Proposed Uniform Premium Table	1545-AN51

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2693	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2694	26 USC 0103 Income Tax—Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2695	26 USC 0103 Income Tax—To Define the Term "Principal User of a Facility"	1545-AA56
2696	26 USC 0103 Income Tax—Mortgage Subsidy Bonds	1545-AA63
2697	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations to be Issued in Registered Form	1545-AE18
2698	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)—Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2699	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2700	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2701	26 USC 0103 (c) Clarification Regarding the Conclusiveness of the Certification Under Section 1.103-13(a)(2) of the Income Tax Regulations	1545-AN08
2702	26 USC 0116 Partial Exclusion of Dividends and Interest Received by Individuals	1545-AM73
2703	26 USC 0125 Income Tax—Tax Treatment of Cafeteria Plans	1545-AD63
2704	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2705	26 USC 0131 Income Tax—Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2706	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds	1545-AJ67
2707	26 USC 0148 Yield Adjustment Payment Rules for Qualified Student Loan Bonds	1545-AO19
2708	26 USC 0148 Clarifying When Proceeds of an Obligation Described in Section 103(a) Allocated to Reimburse Previously Paid Expenditures are Deemed Spent for Purposes of Section 148 of the Code	1545-AO37
2709	26 USC 0148 (a) Subsequent Intentional Acts to Earn Arbitrage and the Reasonable Expectations Test for Arbitrage Bonds	1545-AN69
2710	26 USC 0148(F) 2-Year Arbitrage Rebate Exception	1545-AO33
2711	26 USC 0149 Information Reporting for Tax-exempt Bonds	1545-AJ63
2712	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2713	26 USC 0163 Income Tax Regulations—Limitations on Deductions for Nonbusiness Interest	1545-AK17
2714	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM22
2715	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM23
2716	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AN60
2717	26 USC 0165 Income Tax Regulations—Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2718	26 USC 0167 Normalization Requirements for Public Utility Property: Inconsistent Procedures and Adjustments	1545-AM60
2719	26 USC 0168 Income Tax—Accelerated Cost Recovery System	1545-AA87
2720	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2721	26 USC 0170 Deductions in Excess of $5000 Claimed for Charitable Contributions of Certain Property	1545-AL09
2722	26 USC 0174 Definition of Research and Experimental Expenditures Under Section 174 of the Code	1545-AM92
2723	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2724	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2725	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2726	26 USC 0263A Capitalization and Inclusion in Inventory Costs of Certain Expenses	1545-AK05
2727	26 USC 0263A (f) Temporary Regulation—Capitalization of Interest Expense Relating to Production of Property	1545-AK03
2728	26 USC 0267 Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AN19
2729	26 USC 0267(a)(3) Deductions of Amounts Owed to Related Foreign Persons Under Sections 267(a)(3) and 163(e)(3)	1545-AN84
2730	26 USC 0269 Income Tax—Personal Service Corporations	1545-AF11
2731	26 USC 0269 Application of Section 269 to Ownership Changes Described in Section 382 (L) (5) When There is No Continuity of Business Enterprise	1545-AO29
2732	26 USC 0274 Employee Achievement Awards	1545-AN56
2733	26 USC 0274 (d) Income Tax—Substantiation Requirements with Respect to Listed Property and Substantiation Requirements Relating to the Taxation of Fringe Benefits	1545-AJ40
2734	26 USC 0280A Income Tax—Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2735	26 USC 0280F Limitation of Deductions on Passenger Automobiles and Other Listed Property	1545-AN05
2736	26 USC 0280F Automobile Inclusion Amounts for Calendar Years After 1988	1545-AN80
2737	26 USC 0304 Affiliated Groups	1545-AL41
2738	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK30
2739	26 USC 0337 Recognition of Gain or Loss on Liquidating Sales and Distributions of Property	1545-AJ01
2740	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to Certain Distributions under Section 355	1545-AM34
2741	26 USC 0337(d) Scope of General Utilities Repeal	1545-AN21
2742	26 USC 0338 Deemed Purchase Price When Certain Stock Purchases are Treated as Asset Acquisitions	1545-AF29
2743	26 USC 0338 Income Tax—Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38

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2744	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2745	26 USC 0338 Questions and Answers Relating to Miscellaneous Matters Under Section 338	1545-AH88
2746	26 USC 0338 Statements of Election and Due Dates	1545-AI53
2747	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AJ07
2748	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10)	1545-AK32
2749	26 USC 0338 Multiple Taxation	1545-AN86
2750	26 USC 0367 Amendment of the Income Tax Regulations Under Section 367 of the Code (Transfers to Foreign Corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74
2751	26 USC 0367 (b) Income Tax—Part 1—Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2752	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2753	26 USC 0367 (b) Certain Exchanges Described in More Than One Code Provision	1545-AN59
2754	26 USC 0367 (e) Certain Corporate Distributions to Foreign Corporations	1545-AL35
2755	26 USC 0368 Income Tax—Exchange Funds	1545-AB31
2756	26 USC 0382 Income Tax—Ownership Change	1545-AJ00
2757	26 USC 0382 Computation of Section 382 Limitation	1545-AK87
2758	26 USC 0382 Section 382 Limitation on Groups Filing Consolidated Returns	1545-AL36
2759	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date	1545-AL58
2760	26 USC 0382 Amendment of Sec. 1.382-2T(h)(4)(x) to Grant the IRS Authority to Designate in the Internal Revenue Bulletin Additional Options to Be Excepted From Attribution Rules of Sec. 1.382-2T(h)(4)(i)	1545-AN76
2761	26 USC 0382 Option Attribution; Immediately Before and After Rule	1545-AO11
2762	26 USC 0382 Corporate Contractions Under Section 382	1545-AO20
2763	26 USC 0382(k)(7) Foreign Corporate First Tier Entities	1545-AN61
2764	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK26
2765	26 USC 0401 Income Tax—Refund of Mistaken Contributions	1545-AD68
2766	26 USC 0401 Income Tax—Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2767	26 USC 0401 (a) (26) Income Tax—Part 1—Additional Participation Requirements	1545-AK46
2768	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2769	26 USC 0401 (l) Income Tax—Part 1—Application of Nondiscrimination Rules to Integrated Plans	1545-AI86
2770	26 USC 0401 (m) Nondiscrimination Requirements for Employer Matching Contributions and Employee Contributions	1545-AI80
2771	26 USC 0404A Income Tax—Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2772	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2773	26 USC 0410 (b) Coverage Rules	1545-AK41
2774	26 USC 0411 Income Tax—Part 1—Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2775	26 USC 0411 Income Tax—Part 1—Minimum Vesting Standards	1545-AI88
2776	26 USC 0414 Income Tax—Employees of an Affiliated Service Group	1545-AD90
2777	26 USC 0414 Income Tax Regulations—Affiliated Service Groups and Employee Leasing	1545-AE91
2778	26 USC 0414 Definition of "Highly Compensated Employee" and "Compensation"	1545-AI91
2779	26 USC 0441 Taxable Years of Certain Entities	1545-AK63
2780	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations	1545-AL68
2781	26 USC 0448 Limitation of the Use of the Cash Method of Accounting	1545-AJ52
2782	26 USC 0448 Nonaccrual-experience Method of Accounting—Clarification of Amounts Determined to be Uncollectible	1545-AM33
2783	26 USC 0448 Untimely Compliance With Section 448	1545-AN91
2784	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2785	26 USC 0453 Income Tax—General Rules for Installment Sales	1545-AB42
2786	26 USC 0453 Income Tax—Installment Reporting—Asset Sales and Liquidation	1545-AB43
2787	26 USC 0453 Income Tax—Installment Obligations Received in Transactions in Which Gain or Loss is Generally Not Recognized	1545-AB44
2788	26 USC 0453 Transitional Rule Relating to Certain Installment Sales by Manufacturers to Dealers	1545-AL55
2789	26 USC 0453A Special Rules for Nondealers	1545-AN13
2790	26 USC 0453C Certain Indebtedness Treated as Payments on Installment Obligations	1545-AM37
2791	26 USC 0458 Income Tax—Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2792	26 USC 0461 (h) Temporary Income Tax Regulations—The Economic Performance Requirement	1545-AH33
2793	26 USC 0464 Income Tax—Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2794	26 USC 0465 Income Tax—Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52

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2795	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI41
2796	26 USC 0465 Regulations will Provide Guidance on What Constitutes an Interest Other Than That of a Creditor	1545-AO32
2797	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AB26
2798	26 USC 0469 Limitations on Passive Activity Losses and Credits—Miscellaneous Issues	1545-AM58
2799	26 USC 0469 Allocation of Interest Expense Among Expenditures	1545-AM83
2800	26 USC 0469 Application of Passive Activity Loss and Credit Limitations to Trusts, Estates, and Their Beneficiaries	1545-AN62
2801	26 USC 0469 Limitations on Passive Activity Losses and Credits—Miscellaneous	1545-AO01
2802	26 USC 0469 Passive Activity Loss and Credit Limitations—Technical Amendments	1545-AO38
2803	26 USC 0469 (f) Limitations on Passive Activity Losses and Credits—Former Passive Activities	1545-AN66
2804	26 USC 0469 (i) Limitations on Passive Activity Losses and Credits—$25,000 Offset for Rental Real Estate Activities	1545-AN65
2805	26 USC 0469 (k) Application of Passive Activity Loss and Credit Limitations to Interests in Publicly Traded Partnerships	1545-AN63
2806	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits—Definition of Activity	1545-AM88
2807	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits-Self Charged Items	1545-AN64
2808	26 USC 0469 (l) (4) Special Rules for Allocation of Interest Expense Among Expenditures in the Case of Passthrough Entities	1545-AM79
2809	26 USC 0472 Income Tax—Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
2810	26 USC 0474 Simplified Dollar Value LIFO Method for Certain Small Businesses	1545-AN09
2811	26 USC 0501 Income Tax—Rules Clarifying the Regulations with Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2812	26 USC 0585 Bad Debt Reserves of Financial Institutions	1545-AJ31
2813	26 USC 0593 Income Tax—Limitation on Additions to Bank Loss Reserves	1545-AB66
2814	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN70
2815	26 USC 0613A Income Tax—Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2816	26 USC 0613A Transfers by Individuals to Corporation Under Section 613A (c)(10)	1545-AB74
2817	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47
2818	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2819	26 USC 0752 Amendments to Proposed Regulations Under Sections 752 and 704(b) Issued 12/29/88	1545-AN30
2820	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2821	26 USC 0832 Treatment of Salvage Recoverable Under Section 832	1545-AO16
2822	26 USC 0842 The Definition of Modified Endowment Contract and the Proper Treatment of Loans and Other Distributions From Such Contracts	1545-AN49
2823	26 USC 0846 Temporary Income Tax Regulations—Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AI96
2824	26 USC 0851 Treatment of Designated Hedges by RICs	1545-AM82
2825	26 USC 0860F Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements	1545-AN52
2826	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM08
2827	26 USC 0863 Special Rules for Determining Source	1545-AN94
2828	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL25
2829	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM20
2830	26 USC 0864 (d) Treatment of Related Person Factoring Income; Certain Investments in United States Property; and Stock Redemptions Through Related Corporations	1545-AH85
2831	26 USC 0864(e) Transition Rules for Allocation and Apportionment of Interest Expense and Rules Concerning the Treatment of Financial Arrangements That Alter Effective Interest Expense	1545-AN10
2832	26 USC 0865 Temporary Regulations for Source Rules for Personal Property Sales	1545-AL78
2833	26 USC 0871 Employment Taxes—Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM29
2834	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2835	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2836	26 USC 0892 Income of Foreign Governments and International Organizations	1545-AL93
2837	26 USC 0897 Income Tax—Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2838	26 USC 0897 Notice of Proposed Rulemaking—Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AK79
2839	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2840	26 USC 0904 (f) 904(f) Transition Rules	1545-AL17
2841	26 USC 0905 Income Tax—Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2842	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2843	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16

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Sequence Number	Title	Regulation Identifier Number
2844	26 USC 0936 Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2845	26 USC 0936 (d) (4) CBI Investments of Section 936 Funds	1545-AM91
2846	26 USC 0953 (c) Insurance Income	1545-AJ70
2847	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2848	26 USC 0954 Subpart F Definitions	1545-AM15
2849	26 USC 0986 Earnings and Profits of Controlled Foreign Corporations	1545-AM90
2850	26 USC 0987 Profit and Loss Transition Rules	1545-AM13
2851	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AN28
2852	26 USC 0989 Change in Functional Currency and Definition of Weighted Averaged Exchange Rate	1545-AN53
2853	26 USC 0989 (c) Transition Rule for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL29
2854	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Interest Charge DISCs	1545-AG71
2855	26 USC 1058 Income Tax—Transfers of Securities Under Certain Agreements	1545-AC20
2856	26 USC 1060 Income Tax—Special Allocation Rules for Certain Asset Acquisitions	1545-AJ06
2857	26 USC 1092 Character of Gains and Losses in Case of Straddles Where at Least One Position is Ordinary and at Least One Position is Capital	1545-AM57
2858	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2859	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2860	26 USC 1254 Income Tax—Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2861	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2862	26 USC 1291 (d) (2) Passive Foreign Investment Companies	1545-AI33
2863	26 USC 1361 Income Tax—Definition of S Corporation	1545-AE86
2864	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2865	26 USC 1374 Temporary Regulation—Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK91
2866	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2867	26 USC 1441 Withholding of Tax on Non-Resident Aliens	1545-AN75
2868	26 USC 1445 Withholding Rules on Distributions Attributable to Dispositions of U.S. Real Property Interest by Publicly Traded Partnerships, Trusts and REITS	1545-AM50
2869	26 USC 1446 Temporary Regulation on Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL32
2870	26 USC 1502 Income Tax—Credit & Deductions etc., for Consolidated Returns	1545-AC48
2871	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2872	26 USC 1502 Temporary Regulations—Consolidated Return Investment Adjustments With Respect to an Acquired Subsidiary's Built-in Gains or Losses	1545-AK95
2873	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL59
2874	26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group	1545-AL62
2875	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL63
2876	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Certain Organizations Whose Tax-Exempt Status was Revoked by the 1986 Act	1545-AL64
2877	26 USC 1502 Consolidated Investment Credit Recapture	1545-AM35
2878	26 USC 1502 Treatment of Dividend Distributions After the Sale of a Subsidiary	1545-AN12
2879	26 USC 1502 Transactions Between Members Involving Common Nontaxable Exchanges	1545-AN25
2880	26 USC 1502 Modification of Consolidated Regulations Concerning Restoration of Deferred Gain to Add an Interest Charge on Deferred Gain Property Sold Outside of Group on Installment Basis	1545-AO43
2881	26 USC 1503 (d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AM16
2882	26 USC 1504 Cross-Reference—Alaska Native Corporations; Requirements for Affiliation in Order To File a Consolidated Return	1545-AK88
2883	26 USC 2036 Estate & Gift Taxes—Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2884	26 USC 2056 Estate and Gift Taxes—Increase in Limitations on Marital Deductions	1545-AC67
2885	26 USC 2511 Timeliness of a Disclaimer of Interest in Property Created Prior to Jan. 1, 1977	1545-AN27
2886	26 USC 2653 (b) Estate Tax—Generation Skipping Transfer Tax	1545-AJ11
2887	26 USC 3121 Employment Tax—To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2888	26 USC 3406 Information Reporting and Backup Withholding	1545-AL99
2889	26 USC 3406 Clarifying Amendments to Section 35a.3406-1 Regarding Backup Withholding Due to an Incorrect TIN	1545-AM51
2890	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes—Reporting Requirements with Respect to Direct Sellers	1545-AE62

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2891	26 USC 4041 Election to Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers	1545-AJ13
2892	26 USC 4051 Taxability of Converter Dollies	1545-AL71
2893	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
2894	26 USC 4681 Tax on Ozone Depleting Chemicals	1545-AO07
2895	26 USC 4911 Income Tax—Lobbying by Public Charities and Private Foundations	1545-AE02
2896	26 USC 4977 Excise Tax—Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2897	26 USC 4980A Excise Tax—Excess Distributions from Qualified Retirement Plans	1545-AI81
2898	26 USC 4992 Excise Tax—Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2899	26 USC 4996 Excise Tax—Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2900	26 USC 6011 Excise Tax—Part 54—Procedure and Administration—Part 301 —Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2901	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2902	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2903	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AO09
2904	26 USC 6043 Reporting Requirements Concerning Changes in Corporate Control or Capital Structure Under Section 6043(c), I.R.C., as amended by by Section 7208(b) of the Revenue Reconciliation Act of 1989	1545-AO45
2905	26 USC 6045 Information Returns of Broker Transactions	1545-AG02
2906	26 USC 6045 Information Returns on Sales Through COD Accounts	1545-AG52
2907	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2908	26 USC 6045 Income Tax—Information Reporting on Real Estate Transactions	1545-AL06
2909	26 USC 6049 To Clarify the Obligation of Brokers to Report Original Issue Discount on Form 1099	1545-AM80
2910	26 USC 6050I Amend Aggregation Rules for Filing Requirement	1545-AO00
2911	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2912	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return	1545-AL38
2913	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM06
2914	26 USC 6103 Income Tax-Disclosure of Return Information to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities	1545-AM02
2915	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2916	26 USC 6114 Treasury-Based Return Positions; Failure to Disclose Treaty-Based Return Position	1545-AM87
2917	26 USC 6221 Application of Unified Partnership Audit Provisions of TEFRA to REMICs	1545-AN78
2918	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2919	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item	1545-AJ99
2920	26 USC 6244 Definition of Tax Matters Person for an S Corporation	1545-AO34
2921	26 USC 6326 Administrative Appeal of the Erroneous Filing of Notice of Tax Lien	1545-AN07
2922	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2923	26 USC 6402 Procedure and Administrative—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AK12
2924	26 USC 6402 Procedure and Administrations—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AL66
2925	26 USC 6404 (e) Procedure and Administration - Abatement of Interest	1545-AK71
2926	26 USC 6404 (f) Abatement of Any Penalty or Addition to Tax Attributable to Erroneous Written Advice by the Internal Revenue Service	1545-AN04
2927	26 USC 6501 Procedure and Administration Regulations—Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2928	26 USC 6611 Procedure and Administration Regulations—Modifications of Interest Payments for Certain Periods	1545-AF10
2929	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2930	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2931	26 USC 6723 Penalty for Failure to Include Correct Information on Information Returns and Payee Statements	1545-AJ29
2932	26 USC 6851 Certificates of Compliance with Income Tax Laws by Departing Aliens	1545-AN96
2933	26 USC 7103 (b) Procedure and Administration—Property Seized by the Internal Revenue Service Under the Money Laundering Control Act of 1986	1545-AL04
2934	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information Between Franchisees Who Jointly Operate a Tax Service	1545-AH91
2935	26 USC 7430 Recovery of Administrative Costs	1545-AN02
2936	26 USC 7502 Procedure and Administration—Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2937	26 USC 7624 Procedure and Administration Regulations—Reimbursement for State and Local Law Enforcement Agencies	1545-AN00
2938	26 USC 7701(a)(40) Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2939	26 USC 7701(b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2940	26 USC 7702 Reasonable Mortality Charges	1545-AO12
2941	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations—Transition Provisions	1545-AN92
2942	26 USC 7704 When a Principal Activity of a Partnership is the Buying and Selling of Commodities	1545-AO39
2943	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2944	26 USC 7805 50 Percent Excise Tax on Any Gain Realized by a Person Who Receives "Greenmail"	1545-AL47
2945	26 USC 7805 The Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988	1545-AN03
2946	26 USC 7811 Taxpayer Assistance Orders	1545-AN14
2947	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2948	26 USC 0061 Taxation, Valuation, and Reporting of "Frequent Flyer" or Similar Bonus Payments	1545-AK02
2949	26 USC 0062 Section 702 of the Family Support Act of 1988	1545-AN98
2950	26 USC 0072 Treatment of Payments Received Under a So-Called "Split Annuity" Arrangement	1545-AO13
2951	26 USC 0079 Extension of Section 79 Uniform Premium Table	1545-AM96
2952	26 USC 0101 (d) Income Tax Regulations—Mortality Tables to be Used to Determine Amount Held by Insurer With Respect to a Beneficiary	1545-AK14
2953	26 USC 0111 Income Tax—Part 1—Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2954	26 USC 0144 Arbitrage Restrictions on Qualified Student Loan Bonds	1545-AJ42
2955	26 USC 0148 General Revision of Arbitrage Regulations	1545-AL90
2956	26 USC 0148 Yield Adjustment Payment Rules for Qualified Student Loan Bonds	1545-AO18
2957	26 USC 0170 Income Tax—to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2958	26 USC 0263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2959	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2960	26 USC 0367 (e) Certain Corporate Distributions to Foreign Corporations	1545-AL34
2961	26 USC 0382 Income Tax—Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2962	26 USC 0382 Amendment of Sec. 1.382-2T(h)(4)(x) to Grant the IRS Authority to Designate in the Internal Revenue Bulletin Additional Options to Be Excepted From Attribution Rules of Sec. 1.382-2T(h)(4)(i)	1545-AN22
2963	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK28
2964	26 USC 0453 Income Tax—Installment Method Reporting by Dealers in Personal Property	1545-AB47
2965	26 USC 0453A Income Tax Regulations—Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2966	26 USC 0752 Amendments to Temporary Regulations Under Sections 752 and 704(b) Issued 12/29/88	1545-AN29
2967	26 USC 0807 (d) Mortality and Morbidity Tables to be Used for Insurance Products for Which There Are Not Applicable Commissioner's Tables	1545-AK04
2968	26 USC 0832 Treatment of Salvage Recoverable Under Section 832	1545-AN67
2969	26 USC 0832 Treatment of Salvage Recoverable Under Section 832	1545-AN68
2970	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October 31 of a Taxable Year of a Regulated Investment Company	1545-AM56
2971	26 USC 0860F Income Tax—Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements and Other Administrative Matters	1545-AM99
2972	26 USC 0861 Apportionment of Expenses in the FSC and DISC Contexts	1545-AK78
2973	26 USC 0863 Source of Gross Income Attributable to Certain Financial Products	1545-AN35
2974	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps Under Section 863 (a)	1545-AL26
2975	26 USC 0936 (d) (4) CBI Investments of Section 936 Funds	1545-AL81
2976	26 USC 0964 Earnings and Profits of Controlled Foreign Corporation	1545-AN79
2977	26 USC 0985 Functional Currency	1545-AL24
2978	26 USC 0988 Section 988(d) - Integrated Hedging Rules for Foreign Exchange Gain or Loss	1545-AL15
2979	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AL16
2980	26 USC 0989 Definition of a Qualified Business Unit	1545-AM31
2981	26 USC 1059A Customs Limitation on Taxpayer's Basis in Property Imported from Related Persons	1545-AJ92

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Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2982	26 USC 1275(d) The Treatment of Price Level Adjustment Mortgages Under the Original Issue Discount Provisions of the Code	1545-AN99
2983	26 USC 1441 Withholding of Tax on Non-Resident Aliens	1545-AN74
2984	26 USC 1503 (d) Dual Resident Companies—Limitation on Consolidated Losses	1545-AJ54
2985	26 USC 280C Election of Reduced Research Credit	1545-AO23
2986	26 USC 3405 Employment Tax—Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2987	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AJ56
2988	26 USC 6050M Reporting Requirements Pertaining to Returns Relating to Persons Receiving Contracts from Federal Executive Agencies	1545-AJ05
2989	26 USC 6103 Disclosure of Information	1545-AN01
2990	26 USC 6109 Identifying Numbers	1545-AM44
2991	26 USC 6114 Treaty-Based Return Positions; Failure To Disclose Treaty-Based Return Positions	1545-AN43
2992	26 USC 7805 The Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988	1545-AM76

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2405. INCOME TAX—PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-83.

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AF39

2406. EXCLUSION FROM GROSS INCOME FOR INCOME FROM U.S. SAVINGS BONDS USED TO PAY TUITION AND FEES

Significance: Regulatory Program

Legal Authority: 26 USC 135 Internal Revenue Code Of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers concerning the exclusion from income of interest on United States Savings Bonds used to pay higher education tuition and fees.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-013-89

Drafting Attorney: Celia Gabrysh (202) 566-6320.

Reviewing Attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AN18

2407. ● RECOVERY OF OVERPAYMENTS OF ARBITRAGE REBATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Under section 148 of the 1986 Code, arbitrage rebate payments are not refundable. However, provision should be made for recovery of overpayments of rebate if the issuer establishes to the satisfaction of the Commissioner that: (1) the issuer paid an amount in excess of the determined rebatable arbitrage. (2) The excess was paid in error. And (3) recovery of the overpayment an the date first requested would not result in rebatable arbitrage as of such date.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/28/90	

Small Entities Affected: Undetermined

TREAS—IRS **Prerule Stage**

Government Levels Affected: Undetermined

Additional Information: FI-067-89

Drafting Attorney: Suzanne Reynolds (202) 566-4310.

Reviewing Attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Suzanne W. Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4310

RIN: 1545–AO15

2408. ● ALLOCATION RULES FOR BOND PROCEEDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for allocating proceeds of an issue to investments and expenditures for purposes of the Arbitrage rebate regulations. The rules will accommodate customary governmental accounting practices to the extent possible.

Timetable:

Action	Date	FR Cite
ANPRM	10/15/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-066-89

Drafting Attorney: William Cejudo (202) 566-3283.

Reviewing Attorney: Michael Montemurro (202) 566-4085.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AO14

2409. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-15-88

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Glenn Carrington (202) 566-3430.

Treasury attorney: Judge Kelley (202) 566-2175.

13 Income Tax, Normal Taxes and Surtaxes, RICs and REITs

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AL65

2410. APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338(h)(10)

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the installment method of reporting in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-88-88

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judd Kelley (202) 566-2175.

Income Taxes

Agency Contact: Mark Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3544

RIN: 1545–AM84

2411. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-74-87.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher Kane (202) 566-3433.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK33

TREAS—IRS **Prerule Stage**

2412. LIMITATION ON USE OF PREACQUISITION LOSSES TO OFFSET BUILT-IN GAINS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 384 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide guidance concerning the application of section 384 of the Internal Revenue Code. This section limits a Corporation's ability to offset gains that accrued prior to a merger or acquisition against pre-acquisition losses of a second Corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-99-88

Drafting Attorney: Robert M. Casey (202) 566-3551.

Reviewing Attorney: Glenn Carrington (202) 566-3430.

Income Tax: Corporate adjustment and distribution.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3551**

RIN: 1545–AM48

2413. BLOCKED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Computation of income subject to currency or exchange restrictions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-586-86

Drafting attorney: Christopher S. Warnock (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Peter Barnes (202) 566-5812.

13 Income Taxes.

Agency Contact: Christopher S. Warnock, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AL85

2414. SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise section 482 regulations per section 482 white paper.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88

Drafting attorney: Richard M. Elliott (202) 287-4851.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8066.

13 Income Taxes.

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, **202 287-4851**

RIN: 1545–AL80

2415. SECTION 482 COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88

Drafting attorney: Lisa L. Grogan (202) 287-4851.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8066.

13 Income Taxes.

Agency Contact: Lisa L. Grogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, **202 287-4851**

RIN: 1545–AM00

2416. INTEREST DEDUCTION UNDER SECTION 834(C)(5)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations clarify that in order to be deductible under section 834(c)(5), interest must relate to investment income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-110-87

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Prerule Stage**

Constitution Ave., NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AL07

2417. SPECIAL ESTIMATED TAX PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 847 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide rules for payment of special Estimated Taxes in an amount equal to the Tax Benefit of the special deduction allowed by section 847.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-022-89

Drafting Attorney: William Blagg (202) 566-3294.

Reviewing Attorney: Joseph Ryals (202) 566-3458.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AN33

2418. INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-950-86

Drafting attorney: Sim S. Seo (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ58

2419. COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC, 202 566-6284

RIN: 1545–AL84

2420. FIRPTA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Robert Culbertson (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AJ72

2421. ⊛ RESOURCING INCOME TO PREVENT AVOIDANCE OF FOREIGN TAX CREDIT LIMITATION RULES RELATING TO FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to require a taxpayer to resource the income of any member of an affiliated group of corporations, or, alternatively to modify the consolidated return regulations, to the extent necessary in order to prevent avoidance of the purposes of the foreign tax credit rules.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

TREAS—IRS

Prerule Stage

Government Levels Affected: Undetermined

Additional Information: INTL-6-90

Drafting Attorney: Kenneth D. Allison (202) 566-6442.

Reviewing Attorney: Charles P. Besecky (202) 566-6442.

Treasury Attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 566-6442

RIN: 1545–AN87

2422. SUSPENSION OF REQUIREMENT TO FILE A RECEIPT FOR FOREIGN TAXES PAID ON A RETURN FOR FOREIGN TAXES ACCRUED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the suspension of the requirement to file a receipt for foreign taxes paid or a return for foreign taxes accrued.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-357-88

Drafting Attorney: Thomas D. Fuller (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM43

2423. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the U.S. or is effectively connected with the conduct of a trade or business within the Virgin Islands or the U.S. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AL40

2424. SUBPART F - USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86

Drafting attorney: Sim S. Seo (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ71

2425. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch Rules on how to translate branch income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income Taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AM12

2426. INCOME TAX—GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Benedetta Kissel (202) 566-6442.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AC31

2427. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking to amend regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not recognized.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-910-87

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL88

2428. SECTION 1248 SALES AND EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will close a loophole in the section 1248 regulations, which currently allow a taxpayer to "bunch" income earned over several years into a single taxable year.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-458-87

Drafting Attorney: Thomas D. Fuller (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM42

2429. REVISED WITHHOLDING TAX REGULATION TO MODIFY "AS SOON AS PRACTICAL" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will modify a requirement of Treas. Reg. section 1.1441-6(c) regarding the time for filing of Form 1001. Section 1.1441-6(a) provides that the withholding rate shall be reduced as may be provided by a treaty with any country. To secure a reduced treaty withholding rate, subsection (c) of the regulation requires the recipient of the income to file Form 1001 (ownership, exemptions, or reduced rate certificate) with the withholding agent. The regulation further provides that each such Form 1001 filed with any withholding agent shall be filed "as soon as practicable". The "as soon as practicable" requirement will be changed to a narrower and more objective time period.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-685-87

Drafting attorney: John B. Schlafly (202) 566-3452.

Reviewing attorney: Bernard T. Bress (202) 566-3452.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: John B. Schlafly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AL19

2430. CONSOLIDATED ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 53 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986; 26 USC 59 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.55; 26 CFR 1.1502

Legal Deadline: None

Abstract: This regulation will provide corporate taxpayers joining in the filing of a consolidated federal income return with guidance necessary to calculate their alternative minimum tax liability.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-057-89

Drafting attorney: Nicholas G. Bogos (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-4104.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Nicholas G. Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AN73

2431. WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 (d) (13) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: The regulation will provide questions and answers dealing with circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-956-86.

Drafting attorney: Teresa B. Hughes (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20024, 202 566-6795

RIN: 1545–AL31

2432. ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-21-87

Drafting attorney: Celia Gabrysh (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia A. Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AL01

2433. RETURN FILING REQUIREMENTS FOR INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-2(c)

Legal Deadline: None

Abstract: Regulations will outline requirements for the filing of income tax returns by insurance companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-32-89

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: William Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AN23

2434. LEVY AND DISTRAINT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6331-1; 26 CFR 301.6331-2

Legal Deadline: None

Abstract: Sections 6331 of the Internal Revenue Code was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to preclude certain levies. The Treasury regulations promulgated under Code section 6331 must be changed to conform to the new statutory language.

TREAS—IRS **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-709-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AM70

2435. SURRENDER OF PROPERTY SUBJECT TO LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6332-1

Legal Deadline: None

Abstract: Section 6332 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to require banks to hold levied upon accounts for twenty-one days after a levy is served. The Treasury regulations promulgated under this code section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-172-89

Drafting Attorney: Anne Rosselot (202) 535-9678.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AN45

2436. PROPERTY EXEMPT FROM LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6334-1; 26 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7

Legal Deadline: None

Abstract: Section 6334 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, and to exempt a taxpayer's principal residence from levy in most instances. The Treasury regulations promulgated under this section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-173-89

Drafting Attorney: Anne Rosselot (202) 535-9678.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Dockety Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AN46

2437. SALE OF SEIZED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6335-1

Legal Deadline: None

Abstract: Section 6335 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to allow the owner of property seized by the Internal Revenue Service to request that the property be sold within sixty days, or any longer period specified by the owner. The Treasury regulations promulgated under this section must be changed to reflect this new statutory provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-174-89

Drafting Attorney: Anne Rosselot (202) 535-9678.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AN47

2438. AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6343-1

Legal Deadline: None

Abstract: Section 6343 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to provide new procedures for the release of levies and return of property. The Treasury regulations promulgated under this section must be changed to reflect the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-175-89

Drafting Attorney: Anne Rosselot (202) 535-9678.

Reviewing Attorney: Robert Miller (202) 566-3771.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AN48

2439. COLLECTION AFTER ASSESSMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6502-1

Legal Deadline: None

Abstract: Section 6502 of the Internal Revenue Code of 1986 was amended by section 1015(u) of the Technical and Miscellaneous Revenue Act of 1988, to provide that the statute of limitations on administrative collection is extended if a timely suit to collect is commenced and, furthermore, that the statute is extended until any judgment obtained becomes unenforceable. Treasury Regulation 301.6502-1 must be changed to conform to this new statutory provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-721-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AM71

2440. DETERMINING LARGE CORPORATION STATUS FOR CONSOLIDATED RETURN GROUPS PAYING ESTIMATED TAX

Legal Authority: 26 USC 6655(j) Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-5

Legal Deadline: None

Abstract: Section 6655(d)(2) of the IRC of 1986 requires large corporations to make estimated tax payments based on 90 percent of their current year's tax. Section 6655(g)(2) defines a large corporation as one who itself (or a predecessor corporation) had taxable income of $1,000,000 or more in any of the three previous taxable years. The regulation will address difficulties in applying the definition to an affiliated group of corporations filing a consolidated return.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-87-88

Drafting attorney: Brendan P. O'Hara (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Treasury attorney: Marc Levy (202) 566-4902.

Procedure and Administration

Agency Contact: Brendan O'Hara, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AM75

2441. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable.

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-273-82.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AE99

2442. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-274-82.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4680

RIN: 1545–AF01

2443. ● TREATMENT OF LEASE PAYMENTS AS QUALIFIED WITHDRAWALS FROM A CAPITAL CONSTRUCTION FUND ESTABLISHED UNDER SEC. 607(A) OF THE MERCHANT MARINE ACT OF 1936

Legal Authority: 26 USC 7518 Internal Revenue Code of 1986

CFR Citation: Not yet determined

TREAS—IRS **Prerule Stage**

Legal Deadline: None

Abstract: The regulation is intended to permit shipping operators who have established capital construction funds under the Merchant Marine Act of 1936 as amended, to make "qualified withdrawals" from the funds to lease vessels, in addition to the present practice of purchasing vessels. There are no practical alternatives other than purchasing or leasing vessels. The potential costs of leasing are the same as purchasing; no more money than is deposited into a capital construction fund can be used. The owner of a fund can decide whether leasing or purchasing is cheaper. The benefit (purpose) is to permit shipping industry acquisition practices to be consistent with a long-term trend toward vessel acquisition through lease rather than purchase.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-050-89

Drafting tax law specialist: William Gordon (202) 377-6349.

Reviewing attorney: Richard Keys (202) 377-6349.

Agency Contact: William Gordon, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AN90

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage

Internal Revenue Service (IRS)

2444. INCOME TAX—DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-110-86

Drafting attorney: Christopher Wilson (202) 377-6349.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Bryan Collins (202) 566-8277.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AJ18

2445. ● MORTGAGE CREDIT CERTIFICATES AND TARGETED AREAS

Legal Authority: 26 USC 25 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The percentage of mortgage originations required by section 1.25-4T(g) (8%) was predicted of the 1:5 trade in rule contained in former section 25(c) of the Code to accommodate the new 1:4 rate contained in section 25(c). We are amending sections 1.25-4T(g).

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-068-89

Drafting Attorney: Jack Malgeri (202) 566-3347.

Reviewing Attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3747

RIN: 1545–AO05

2446. INCOME TAX—ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-235-82.

Drafting attorney: Stephen J. Toomey (202) 566-3862.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and

Robert Scarborough (202) 566-4979.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, **202 566-3862**

RIN: 1545–AE80

2447. MINIMUM TAX CREDIT AND OTHER MISCELLANEOUS RULES RELATING TO THE ALTERNATIVE MINIMUM TAX

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the Alternative Minimum Tax for individuals and Corporations. Changes to the applicable law were made by the Tax Reform Act of 1986 and the Technical and Miscellaneous Revenue Act of 1988. The regulations will provide individual and corporate taxpayer's with the guidance necessary to determine their alternative minimum tax and their minimum tax credit.

Timetable:

Action	Date	FR Cite
NPRM	10/03/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-2-87

Drafting attorney: Stephen J. Toomey (202) 566-3863.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Stephen T. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3863**

RIN: 1545–AJ86

2448. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-85-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-3802.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3861**

RIN: 1545–AL02

2449. INCOME TAX-MINIMUM TAX; ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-209-78.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Galanko (202) 566-4104.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3861**

RIN: 1545–AA34

2450. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSTANT YIELD METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-70-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, **202 566-4336**

RIN: 1545–AL92

2451. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loan rules are provided in

section 72(p) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Elizabeth Purcell (202) 566-3251.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AE41

2452. TEN PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTION FROM QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 72

Legal Deadline: None

Abstract: Guidance concerning the application of the tax to early distributions and an explanation of the exceptions, such as substantially equal periodic payments.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: EE-002-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AN16

2453. REMOVING GENDER DISTINCTION FROM MORTALITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will gender-neutralize the mortality table used under section 79 to determine the value of group-term life insurance's permanent benefits provided to employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-88-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AK50

2454. SECTION 79 TABLE I UPDATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will update the table used to determine the cost amount of group-term life insurance to be included in gross income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-4-89

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AN54

2455. STUDY OF APPLICATION OF SECTION 302 AND SECTION 1.83(D)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 83 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.83-6

Legal Deadline: None

Abstract: Regulation section 1.83-6(d) will be revised to distinguish between a section 302 transaction and a 1032 transaction. Also, a special rule will be added for transfers of stock from a parent corporation to employees of a subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-81-88

Drafting Attorney: Charles Deliee (202) 566-4734.

Agency Contact: Charles T. Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4734

RIN: 1545–AN55

2456. TO PROVIDE REGULATIONS UNDER SECTION 147 (B)—RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than

mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-220-82.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AE69

2457. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-156-84.

Drafting attorney: Jack Malgeri (202) 566-4545.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AG84

2458. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: FI-29-86.

Drafting attorney: David White (202) 566-4545.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Guidance on the definition of Issuance appeared as Notice 88-130, 1988-52 IRB 12. The rules contained in the Notice will be incorporated in the regulations.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AI65

2459. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-307-84.

Drafting attorney: Allan Seller (202) 566-3332.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Treasury attorney: Gregory Jenner (202) 566-5911.

Agency Contact: Allan Seller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3332

RIN: 1545–AG88

2460. INCOME TAX—DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-91-81.

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Sharon Hall (202) 566-4430.

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AA67

2461. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-3-87

Drafting Attorney: Michael Schmit (202) 566-3826.

Reviewing Attorney: William Galanko (202) 566-3862.

Treasury Attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AJ87

2462. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-35-85.

Drafting Attorney: Michael Schmit (202) 566-3826.

Reviewing Attorney: William Galanko (202) 566-3826.

Treasury Attorney: Jeanne Hoenicke (202) 566-5911.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AI13

2463. INCOME TAX—TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal." In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

EE-74-88.

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3503

RIN: 1545–AJ21

2464. DEPENDENT CARE ASSISTANCE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 129 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to employers and their employees concerning qualified dependent care assistance programs. Under 26 USC 129, an employee may exclude up to $5,000 from gross income for dependent care.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-090-88

Drafting Attorney: Monice Rosenbaum (202) 566-3505.

Reviewing Attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AN17

2465. DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR l

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/19/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-72-88

Drafting attorney: Dave Selig (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

13 Income Tax

Agency Contact: Dave Selig, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AM01

2466. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-069-86

Drafting attorney: Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AJ66

2467. QUALIFIED 501 (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-84-86.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4025.

Treasury attorney: Gregory Jenner (202) 566-5911.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ39

2468. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-85-86

Drafting attorney: David Selig (202) 566-4545.

Reviewing attorney: David Walton (202) 566-3723.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ37

2469. ADVANCE REFUNDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-50-88

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-3347

RIN: 1545–AL91

2470. INCOME TAX—TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-190-77.

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Office of Tax Legislative Counsel reviewing attorney: Ellen

Aprill (202) 566-5453.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AA79

2471. DEDUCTIONS WITH RESPECT TO NONCASH FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.162-25

Legal Deadline: None

Abstract: The project is to produce proposed rules relating to an alternative way for employers to take deductions with respect to noncash fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-89-88

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Paul Kane (202) 566-4430.

Income Tax

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AM40

2472. DEFINITION OF RELATED VIOLATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would amend the definition of "related violations" under section 162(g) of the Internal Revenue Code of 1986 in order to update such definition in light of subsequent events.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-87

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AK83

2473. QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-88

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

13 Income Tax

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 566-4430

RIN: 1545–AL67

2474. PROHIBITION ON FOREIGN TARGETING OBLIGATIONS BACKED BY UNITED STATES GOVERNMENT SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking providing that obligations backed by United States government securities may not be foreign targeted.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-070-88

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM19

2475. ● EARNINGS STRIPPING PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-870-89

Drafting attorney: Jacob Feldman (202) 566-6645.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO24

2476. INCOME TAX—NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1988 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-244-81.

Drafting attorney: Michael Hahn (202) 566-6511.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Normalization Requirement

Agency Contact: Michael Hahn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6511

RIN: 1545–AA88

2477. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system for property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-86-86.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AJ38

2478. ● APPLICABLE CONVENTIONS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules relating to the Mid-Quarter convention under the Accelerated Cost Recovery System. The regulation would apply to property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-054-89

Drafting Attorney: Richard Blumenreich (202) 566-3292.

Reviewing Attorney: William Dwyer (202) 566-3553.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AN81

2479. ● GENERAL ASSET ACCOUNTS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules relating to the treatment of General Asset Accounts under the Accelerated Cost Recovery System. The regulation would apply to property general placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-055-89

Drafting Attorney: Richard Blumenreich (202) 566-3292.

Reviewing Attorney: William Dwyer (202) 566-3553.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AN82

2480. ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Proposed Rule Stage

Legal Deadline: None

Abstract: The regulation will provide rules rules relating to the changes made to section 179 by the Tax Reform Act of 1986. This includes changes to the dollar limitation and recapture provision as well as the new trade or business income limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-52-88

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Harold Burghart (202) 566-3292.

Treasury attorney: Barksdale Penick (202) 566-5453.

Income Tax - Election to expense depreciable business assets.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AL74

2481. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-73-84.

Drafting attorney: Bernard Englander (202) 566-4440.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Bernard Englander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AG27

2482. INCOME TAX—TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-36-81.

Drafting attorney: Paul F. Handleman (202) 566-3934.

Reviewing attorney: James Ranson (202) 377-6349.

Agency Contact: Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3934

RIN: 1545–AB02

2483. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 245

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86

Drafting attorney: Kenneth Allison (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL94

2484. INCOME TAX—DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-261-84.

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AH39

2485. NOTICE OF PROPOSED RULEMAKING—CAPITALIZATION OF INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-121-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: Paulette C. Galanko (202) 566-3802.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3024**

RIN: 1545–AK01

2486. ● DEDUCTIONS OF AMOUNTS OWED TO RELATED FOREIGN PERSONS UNDER SECTIONS 267(A)(3) AND 163(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267(a)(3) Internal Revenue Code of 1986; 26 USC 163(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for the deduction of amounts owed to a related foreign person.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-625-89

Drafting attorney: James K. Sams (202) 377-9059.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AN83

2487. RULES FOR TREATMENT OF FOREIGN CORPORATION WHOSE STOCK IS STAPLED TO THE STOCK OF A DOMESTIC CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 268B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide a general rule that where a U.S. owned foreign corporation and a U.S. owned domestic corporation are stapled entities, the foreign corporation will be treated as a domestic corporation and that the deemed conversion will be treated as a reorganization under section 368(a)(1)(F) of the Code. The regulations will also provide exceptions to this general rule.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-237-89

Drafting attorney: Patricia C. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Patricia C. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AN20

2488. INCOME TAX—TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-114-81.

Drafting attorney: Benjamin P. Foster (202) 343-0328.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Judd Kelley (202) 566-8527.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-0328**

RIN: 1545–AB04

2489. ● AUTOMOBILES INCLUSION AMOUNTS FOR CALENDAR YEARS AFTER 1988

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the authority to accomplish adjustments in the table used to determine the amount included in the income of a lessee of a passenger automobile. The tax law applicable to automobiles placed in service after 1980 requires annual

adjustments in the table to reflect automobile price inflation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-53-89

Senior Tax Law Specialist: John E. Moffat (202) 566-3553.

Reviewing attorney: Charles B. Ramsey (202) 566-3553.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: John Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AO04

2490. CERTAIN ATTRIBUTION RULES AND CERTAIN CORPORATE REORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302 (c) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-189-82.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3450.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF13

2491. ● AMEND REGULATIONS ON SECTION 306 STOCK AND EARNINGS AND PROFITS IN LIGHT OF COMMISSIONER V. CLARK

Legal Authority: 26 USC 356(a)(2) Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 306 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.381-(E)(1); 26 CFR 1.306-3(d)

Legal Deadline: None

Abstract: In Commissioner v. Clark, the Supreme Court held that for purposes of section 356(a)(2), the boot distribution is treated as a distribution by the transferee in a hypothetical redemption of the shares of the transferee stock that the transferor shareholders would have received it they had accepted stock in lieu of boot. The regulations under section 381 and 306 will be amended to reflect the post-exchange analysis of CLARK.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-061-89

Drafting attorney: Robert Kesler (202) 566-6271.

Reviewing attorney: Maura Sullivan (202) 566-6212.

Agency Contact: Robert Kesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6271

RIN: 1545–AO35

2492. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
NPRM	01/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-52-87

Drafting attorney: Linda Schultz (202) 566-3422.

Reviewing attorney: Marcus Blumkin (202) 566-3216.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Linda Schultz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3422

RIN: 1545–AK29

2493. RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented in certain circumstances, including, Downstream Mergers, conversion into Tax Exempt Entities, and Cross Ownership. This project will seek to identify these areas and promulgate regulations to assure corporate level gain recognition as required by the Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-79-87

Drafting attorney: John N. Geracimos (202) 566-3341.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Treasury Attorney: Thomas F. Wessel (202) 566-8277.

Agency Contact: John N. Geracimos, Attorney, Department of the Treasury, Internal Revenue Service, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington DC 20224, 202 566-3341

RIN: 1545–AK90

2494. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will require the use of the MADSP formula in a qualified stock purchase to which Section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-87.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK25

2495. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK31

2496. ● GAIN OR LOSS IGNORED BY TARGET CORPORATION UPON ITS DEEMED SALE OF AFFECTED TARGET STOP

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to provide rules to alleviate the multiple taxation consequences of a section 338(g) election when a purchasing corporation acquires the stock of a target corporation in a qualified stock purchase and the target's assets include the stock of an 80-percent owned target affiliate.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-89

Drafting Attorney: Kenneth D. Allison (202) 566-6442.

Reviewing Attorney: Benedetta A. Kissel (202) 566-6442.

Treasury Attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 566-6442

RIN: 1545–AN85

2497. ● FOREIGN PERSONAL HOLDING COMPANIES AND SECTION 338

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: When a foreign personal holding company (which is not also a controlled foreign corporation) is acquired and an election under section 338(g) is made, it is not clear whether the buyer or seller is required to include the foreign personal holding company income on the deemed sale of the corporation's assets. The regulation will require the seller of a foreign personal holding company include any foreign personal holding company income arising from the deemed sale.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-887-89

Drafting attorney: Karen S. Holden (202) 566-6442.

Reviewing attorney: Benedetta A. Kissel (202) 566-6442.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Karen S. Holden, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AO28

2498. INCOME TAX—TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-993-71.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher Kane (202) 566-3551.

Treasury Attorney: Thomas Wessel (202) 566-5453.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AB21

2499. SECTION 361 OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	08/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-084-89

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AM97

2500. CERTAIN EXCHANGES DESCRIBED IN MORE THAN ONE CODE SECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Change regulations to conform treatment under the section 367(b) regulations of the transfer of controlled foreign corporation stock.

Timetable:

Action	Date	FR Cite
NPRM	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-352-89

Drafting attorney: Bruce Davis (202) 566-9050.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Bruce Davis, Special Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-9050

RIN: 1545–AN58

2501. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
NPRM	09/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-67-87

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AK27

2502. ● CORPORATE CONTRACTIONS UNDER SECTION 382

Significance: Agency Priority

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations will be issued which will identify certain acquisition indebtedness as a corporate contraction for purposes of section 382(e)(2).

Timetable:

Action	Date	FR Cite
NPRM	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-035-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AO21

2503. ● REORGANIZATIONS IN BANKRUPTCY; STOCK-FOR-DEBT EXCHANGES; USE OF PARENT CORPORATION STOCK; TRIANGULAR "G" REORGANIZATIONS

Legal Authority: 26 USC 108 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for members of an affiliated group of corporations filing consolidated returns which are reorganized in bankruptcy. The issuance of parent corporation stock in cancellation of subsidiary corporation indebtedness will come within the common law stock-for-debt exception to cancellation of indebtedness income (as limited by Section 108 (e) (8) and Section 108 (e) (10) without resort to a recapitalization analysis (whether deemed or actual). When creditors of more than one bankrupt member of the group receive parent corporation stock, the stock received by all the creditors may be aggregated for purposes of determining whether each ownership change meets the requirements of Section 382 (l) (5). Collateral consolidated return and reorganization issues will be considered.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-078-89

Drafting attorney: Victor Penico (202) 566-3618.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Agency Contact: Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO30

2504. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation is intended to provide guidance concerning the application of sections 401(a)(4) and 410(b) of Internal Revenue Code. These sections require tax-qualified pension plans to meet certain nondiscrimination requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-61-88

Drafting attorney: Rebecca Wilson (202) 343-6954.

Reviewing attorneys: Richard Wickersham and Nancy Marks (202) 343-6954.

Agency Contact: Rebecca S. Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-6954

RIN: 1545–AM95

2505. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403 (b) (12) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax-sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing Attorney: Nancy Marks (202) 343-6954.

Treasury Attorney: Kurt Lawson (202) 566-5453.

Agency Contact: Richard M. Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI90

2506. INCOME TAX—EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404 (a) (9) Internal Revenue Code of 1986; 26 USC 415 (c) (6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-152-81.

Drafting attorney: Michael Gompertz (202) 566-4530.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Michael Gompertz, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4530

RIN: 1545–AD77

2507. INCOME TAX—REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AD82

2508. INCOME TAX—PART 1; ESTATE TAX—PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401 (a) (28) Internal Revenue Code of 1986; 26 USC 401 (a) (23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404 (k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 566-4747.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AI87

2509. SPECIAL RULES IN MERGER AND ACQUISITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-26-88

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Income Tax: Pension, Profit-Sharing, Stock Bonus Plans

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AM94

2510. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new full funding limitation on deductible contributions to pension plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Linda Marshall (202) 566-3050.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3050**

RIN: 1545–AL53

2511. DEFINITION OF LINE OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Internal Revenue Code section 414 (r) defines line of business for purposes of applying the coverage requirements under section 410 (b) and the nondiscrimination requirements for certain employee benefit plans under section 89.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-144-87

Drafting attorney: Thomas G. Schendt (202) 566-6835.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Reviewing attorney: Rhonda Migdail (202) 566-4741.

Treasury attorney: Richard Shea (202) 566-4902.

Agency Contact: Thomas G. Schendt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6835**

RIN: 1545–AL23

2512. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-3155.

Reviewing attorney: Rhonda Migdail (202) 566-4741.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3155**

RIN: 1545–AG14

2513. INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.422A-1; 26 CFR 1.422A-2

Legal Deadline: None

Abstract: Outstanding proposed regulations will be revised to reflect changes to section 422A made by the Tax Reform Act of 1986, PL 99-514. The revised regulations will be reissued in proposed form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-86-88

Drafting Attorney: Charles Deliee (202) 566-4734.

Agency Contact: Charles Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4734**

RIN: 1545–AN26

2514. INC. TAX—PART 1—AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-06-86.

Drafting attorney: Paul Accettura (202) 566-3505.

Reviewing attorney: Paul G. Accettura (202) 566-6478.

Agency Contact: Paul Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3505**

RIN: 1545–AI68

TREAS—IRS

Proposed Rule Stage

2515. TIMING, CHARACTER AND SOURCE OF INCOME WITH RESPECT TO NOTIONAL PRINCIPAL CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations address the timing and nature of income and deductions from notional principal contracts, which encompasses interest rate swaps, interest rate caps, and interest rate floors.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-016-89

Drafting Attorney: Karl Walli (202) 566-3516.

Reviewing Attorney: Phoebe Mix (202) 566-3331.

Treasury Attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl Walli, Attorney Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3516**

RIN: 1545–AN15

2516. INCOME TAX—GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-103-81.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Richard E. Ennis (202) 566-3637.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AB41

2517. INCOME TAX—INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-2-81.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: George F. Wright (202) 377-9587.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9581**

RIN: 1545–AB45

2518. INCOME TAX—INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-147-82.

Drafting attorney: Robert N. Deitz (202) 377-9582.

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9582**

RIN: 1545–AB46

2519. INCOME TAX REGULATIONS—PART 1—SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-54-84.

Drafting attorney: Robert N. Deitz (202) 377-9582.

Reviewing attorney: George Wright (202) 377-9587.

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9582**

RIN: 1545–AG37

2520. INCOME TAX—DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Internal Revenue Code section 457 provides an exclusion from

gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86

Drafting attorney: Brant Goldwyn (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Agency Contact: Brant Goldwyn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3060

RIN: 1545–AI89

2521. ACCOUNTING FOR LONG-TERM CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-130-86

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: Paulette C. Galanko (202) 566-3802.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3024

RIN: 1545–AJ28

2522. INCOME TAX REGULATIONS—THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-258-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AH32

2523. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-192-78.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AF86

2524. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-85.

Drafting Attorney: Charles Alton (202) 377-9660.

Reviewing Attorney: Frances D. Schafer (202) 566-3629.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AI02

2525. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-124-86.

Drafting attorney: John Kramer (202) 377-9660.

Reviewing attorney: Michael J. Grace (202) 377-9660.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: John Kramer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9660**

RIN: 1545–AK08

2526. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-292-84.

Drafting attorney: Sharon L. Hall (202) 566-4430

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AG81

2527. DISPOSITION OF AN INTEREST IN A NUCLEAR POWER PLANT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-6, (New); 26 CFR 1.468A-1(b), (Revision); 26 CFR 1.468A-3, (Revision); 26 CFR 1.468A-8(b), (Revision); 26 CFR 1.468A-5(a)

Legal Deadline: None

Abstract: Final regulations relating to Nuclear Decommissioning Funds did not include provisions for treatment upon disposition of an interest in a nuclear power plant. The proposed regulations will provide guidance to determine the tax consequences of such disposition on a Nuclear Decommissioning Fund and on taxpayers that establish such funds. In addition, the proposed regulations will make a number of needed changes and clarifications to the existing regulations that will aid in the administration and processing of requests for schedules of ruling amounts.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 491 Electric Services; 493 Combination Electric and Gas, and Other Utility Services

Additional Information: PS-004-89

Drafting Attorney: Peter C. Friedman (202) 566-3553.

Reviewing Attorney: Noel Sheehan (202) 566-3292.

Treasury Attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Peter C. Friedman, Senior Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3553**

RIN: 1545–AN06

2528. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - MISCELLANEOUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-2T

Legal Deadline: None

Abstract: Regulation excludes certain casualty and theft losses from passive activity deductions and otherwise amends existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-065-89

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AO02

2529. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-31-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 343-2383**

RIN: 1545–AK64

2530. INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3505**

RIN: 1545–AE00

2531. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-083-82.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3287**

RIN: 1545–AF00

2532. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 597 Internal Revenue Code of 1986, as amended

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-046-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3346.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3829**

RIN: 1545–AN71

2533. INCOME TAX—RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-71.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

TREAS—IRS

Proposed Rule Stage

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4819

RIN: 1545–AB69

2534. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-34-85.

Drafting attorney: Carol E. Schultze (202) 566-3625.

Reviewing attorney: Thomas J. Hines (202) 566-6813.

Agency Contact: Carol E. Schultze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3625

RIN: 1545–AI06

2535. CLARIFICATION OF SECTION 1.643 (A) (3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 (a) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-85.

Drafting Attorney: Richard H. Smith, Jr. (202) 343-8558.

Reviewing Attorney: Arthur H. Ernst (202) 566-3158.

Treasury Attorney: William M. Paul (202) 566-5455.

Agency Contact: Richard H. Smith, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-8558

RIN: 1545–AI31

2536. ACCUMULATION TRUSTS

Legal Authority: 26 USC 667 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.667(a); 26 CFR 1.641; 26 CFR 1.643; 26 CFR 1.652; 26 CFR 1.661; 26 CFR 1.666; 26 CFR 1.668

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-184-76

Drafting attorney: James F. Hogan (202) 566-3502.

Reviewing attorney: Tom Hines (202) 566-6813.

Treasury attorney: Bob Weaver (202) 535-6959.

ABSTRACT CONT: Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

Estates and Trusts

Agency Contact: James F. Hogan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3502

RIN: 1545–AM78

2537. REVISION OF REPORTING REQUIREMENTS FOR GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 671 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.671-4, (Revision); 26 CFR 1.6012-3; 26 CFR 1.6049-4; 26 CFR 1.6042-2; 26 CFR 5f.6045-1

Legal Deadline: None

Abstract: Grantor trusts would file 1099's or nothing at all with the Service, and provide a statement of earnings deductions and credits to each grantor. This will enable the Service to match the reported income from grantor trusts with the grantor's tax return. Different procedures will be required for trusts with single grantors as opposed to multiple grantors. Corporation grantors will be included. Other considerations will be whether backup withholdings

rules apply and whether there is a legal basis for requiring a payor to report income directly to the grantor rather than the trust.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-49-89

Drafting attorney: Mary Jane Kossar (202) 566-3453.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Mary Jane Kossar, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3453

RIN: 1545–AN77

2538. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-86.

Drafting attorney: Bernard Harvey (202) 535-9759.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: William M. Paul (202) 566-5455.

Agency Contact: Bernard Harvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9759

RIN: 1545–AJ20

2539. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84.

Drafting Attorney: Claire E. Toth (202) 566-3830.

Reviewing Attorney: John B. Bromell (202) 566-4320.

Treasury Attorney: Greg Marich (202) 566-2175.

Agency Contact: Claire E. Toth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3830

RIN: 1545–AG98

2540. INCOME TAX—ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-265-76.

Drafting Attorney: Ann Veninga (202) 377-9847.

Reviewing Attorney: Claire E. Toth (202) 566-3830.

Treasury Attorney: Greg Marich (202)566-2927.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9847

RIN: 1545–AB81

2541. INCOME TAX—TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-234-84.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AG83

TREAS—IRS

Proposed Rule Stage

2542. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-163-84.

Drafting Attorney: David R. Haglund (202) 343-8459.

Reviewing Attorney: Dan G. Baucum (202) 566-3989.

Treasury Attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-8459

RIN: 1545–AH22

2543. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-232-84.

Drafting attorney: Noah S. Baer (202) 566-3622.

Reviewing attorney: Thomas S. Hines (202) 566-6813.

Income Tax

Agency Contact: Noah S. Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3622

RIN: 1545–AG85

2544. ● TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832

Legal Deadline: None

Abstract: Regulations postpone the effective date of rules relating to the treatment of salvage and reinsurance in the computation of the losses incurred deductions of section 832(b)(5).

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-076-89

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Stephen Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AO17

2545. TAXATION OF FOREIGN INSURANCE COMPANIES DOING BUSINESS IN THE UNITED STATES INCLUDING THE EXPLICATION OF THE MINIMUM NET INVESTMENT INCOME CALCULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.842, (New); Not yet determined

Legal Deadline: None

Abstract: The regulation will describe the proper rules applicable to the taxation of Foreign Insurance Companies doing business in the United States. In particular, the regulation will address the computation of an Insurance Company's minimum effectively connected net Investment Income. Also the procedures by which an Insurance Company may elect to use its worldwide current investment yields will be discussed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-020-89

Drafting Attorney: Fred Campbell-Mohn and Phil Garlett (202) 566-3288.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Frederick S. Campbell-Mohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3288

RIN: 1545–AN31

2546. FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AL82

2547. INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-139-86.

Drafting Attorney: Bill Blagg (202) 566-3294.

Reviewing Attorney: Joe Ryals (202) 566-3459.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AJ51

2548. TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b) (3) Internal Revenue Code of 1986; 26 USC 852 (b) (8) Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	55 FR 3231
NPRM Comment Period End	04/02/90	55 FR 3231
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-105-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William E. Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3828

RIN: 1545–AM55

2549. INCOME TAX—ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-88-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3827.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AJ35

2550. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income taxes

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ68

2551. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 —SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	07/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-949-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-8275.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AJ84

2552. ● SPECIAL RULES FOR DETERMINING SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 8603 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provides the general rule for determining the source of scholarships and fellowship grants as defined under section 117. The source of such payments is determined by the residence of the payor. A special rule is provided for payments made by a U.S. payor to a nonresident alien studying abroad. In such circumstances, the source of the payments is foreign source.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INTL-800-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 377-9059

RIN: 1545–AN95

2553. ● TIERED PARTNERSHIP RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address whether a foreign partner in a tiered partnership arrangement is engaged in a trade or business in the U.S. by virtue of membership in that tiered partnership where the second tier partnership meets the requirements of being in U.S. trade or business. The alternatives are 1) to conclude the foreign partner is engaged in U.S. trade or business because any member of the tiered partnership arrangements is; and 2) to conclude the foreign partner is not engaged in a U.S. trade of business where the first tier partnership is not so engaged. Other considerations include the meaning of "principal place of business" and whether an entity may have more than one, and attribution rules applicable to the entities. A problem with the second alternative is that it arguably gives priority to form over substance, however, there are several methods by which the first alternative could be avoided and their appears to be no policy reason to prefer one form of doing business over another. Furthermore, no additional tax would be collected by following alternative 1.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-030-90

Drafting attorney: Mary D. Gillmarten (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Mary D. Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AO26

2554. TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-662-88

Drafting attorney: Christine K. Schlaman (202) 566-3452.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Christine K. Schlaman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM53

2555. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Robert E. Culbertson (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AJ83

2556. EMPLOYMENT TAXES—APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules enforcing the exclusion from portfolio interest treatment of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-920-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM30

2557. INCOME TAX—RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ57

2558. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AL77

2559. DEEMED PAID CREDIT UNDER SECTIONS 902 AND 960 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86

Drafting attorney: Caren S. Shein (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AL98

2560. ● CONFORMING TAXABLE YEARS OF CFCS AND FPHCS: 1989 CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 898 Internal Revenue Code of 1986; 26 USC 902 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides guidance to taxpayers concerning new section 898 of the Internal Revenue Code, added to the Code by the Omnibus Budget Reconciliation Act of 1989. Section 898 requires the taxable years of certain specified foreign corporations to conform to the taxable years of their majority U.S. shareholders.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-848-89

Drafting attorney: David R. Cooper (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: David R. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO22

2561. CARRYBACK AND CARRYFORWARD OF FOREIGN TAX CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the carryback and carryforward of excess foreign tax credits under the provisions of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-945-86

Drafting attorney: Bobby Burns (202) 377-9059.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Bobby Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM18

2562. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the impact of the Technical Corrections and Miscellaneous Revenue Act of 1988 on section 904(d), the foreign tax credit limitation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-790-88

Drafting attorney: Caren S. Shein (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Chisoon Lee (202) 566-8275 and Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM54

2563. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-338-89

Drafting attorney: Willard W. Yates (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM11

2564. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-968-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ80

2565. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Grace Perez-Navarro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ55

2566. REGULATIONS UNDER SECTION 932(B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address United States residents earning income in the Virgin Islands and the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-004-89

Drafting Attorney: John Brady (202) 287-4851.

Reviewing Attorney: George Sellinger (202) 287-4851.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: John Brady, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, 202 287-4851

RIN: 1545–AM89

2567. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would require that once a product election was made it could not be amended for the taxable year of the election.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-450-87

Drafting attorney: Jacob Feldman (202) 566-6645.

Reviewing attorney: David Bower (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AK77

2568. ● SECTION 953 - INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations define related person insurance income; and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-590-89

Drafting Attorney: Philip L. Garlett (202) 566-6645.

Reviewing Attorney: Jacob Feldman (202) 566-6645.

Treasury Attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AN89

2569. ● FOREIGN INSURANCE COMPANY - DOMESTIC ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-765-89

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: David I. Bower (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AO25

2570. SUBPART F SHIPPING AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address statutory changes under the Tax Reform Act of 1986, with respect to foreign base company shipping income and amounts invested in and withdrawn from foreign base company shipping operations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-654-88

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Jack Feldman (202) 566-6645.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM46

2571. DETERMINATION OF FOREIGN TAXES AND FOREIGN CORPORATION'S EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for translating foreign earnings and profits and taxes into dollars, as well as timing and

computation rules relating to the taxation of exchange gain or loss on previously taxed income that is distributed through a chain of controlled foreign corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-89

Drafting attorney: Barbara Felker (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Barbara Felker, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AN37

2572. COMPUTATION OF A BRANCH'S TAXABLE INCOME; TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch rules on how to translate branch income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-378-89

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-8275.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AN32

2573. DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-104-88

Drafting attorney: John B. Schlafly (202) 566-3452.

Reviewing attorney: Richard L. Chewning (202) 566-3452.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: John B. Schlafly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AM05

2574. REGULATIONS RELATING TO INAPPLICABILITY OF SECTION 1031 TO EXCHANGES OF PARTNERSHIP INTERESTS AND THE LIMITATION ON DEFERRED EXCHANGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-237-84.

Drafting attorney: D. Lindsay Russell (202) 343-2381.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-2381**

RIN: 1545–AH43

2575. ADDITIONAL RULES FOR EXCHANGES OF PERSONAL PROPERTY AND FOR EXCHANGES OF MULTIPLE PROPERTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation concerns the determination of like-kind property in single asset exchanges of personal property, exchanges of multiple assets, and exchanges of businesses. These regulations are intended to correct and clarify the current regulations under section 1031 of the code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-012-89

Drafting Attorney: Christopher Rogers (202) 377-9583.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

Agency Contact: Christopher Rogers, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, **202 377-9583**

RIN: 1545–AN38

2576. SOURCING OF PASS-THROUGH PAYMENTS AND FEES PAID IN INTERNATIONAL SHORT SALES OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: When securities are sold short and payments in lieu of dividends or interest are paid by a U.S. person to a foreigner or vice versa, no rules exist to determine the source of such payments. These regulations will provide such rules. The payments will either be sourced by reference to the residence of the payor or residence of the recipient. Taxpayers now are likely using whatever rule avoids taxation; these regulations will at least provide some revenue to the FISC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-106-89

Drafting attorney: Teresa B. Hughes (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: **Teresa B. Hughes,** Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6795**

RIN: 1545–AN34

2577. INCOME TAX—NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-260-84.

Drafting attorney: Scott Feldstein (202) 566-3422.

Reviewing attorney: Mark Blumkin (202) 566-3216.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: **Scott Feldstein,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3422**

RIN: 1545–AH41

2578. INCOME TAX—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-187-81.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: **James W. C. Canup,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3287**

RIN: 1545–AC21

2579. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income Taxes.

Agency Contact: **David Bergkuist,** Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL89

2580. INCOME TAX—TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-183-81.

Drafting attorney: John M. Coulter, Jr. (202) 566-3928.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3928

RIN: 1545–AC34

2581. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that holds oil, gas, geothermal, or other mineral properties.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-7-89

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AM98

2582. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FI-11-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

13 Income Tax

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AI59

2583. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FI-10-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AI72

2584. ● THE TREATMENT OF PRICE LEVEL ADJUSTMENT MORTGAGES UNDER THE ORIGINAL ISSUE DISCOUNT PROVISIONS OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986; 26 USC 163(h) Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules concerning the treatment of a price level adjusted mortgage under the provisions of the Code concerning original issue discount and qualified residence interest. The regulations also clarify the meaning of the term "interest" for purposes of information reporting for mortgage interest.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	55 FR 739
NPRM Comment Period End	04/09/90	55 FR 739
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-064-89

Drafting attorney: William E. Blanchard (202) 566-3142.

Reviewing attorney: Daniel P. Green (202) 566-3394.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3142

RIN: 1545–AO03

2585. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of gain realized on the disposition of any Market Discount Bond as ordinary income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 566-3297.

Reviewing attorney: Steve R. Glickstein (202) 566-3297.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC20224, 202 566-3297

RIN: 1545–AH82

2586. INCOME TAX—TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-19-85.

Drafting attorney: Mark S. Smith (202) 566-3829.

Reviewing attorney: Alvin J. Kraft (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Mark S. Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3829

RIN: 1545–AH75

2587. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AC06

2588. QEF SHAREHOLDER ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address QEF shareholder election as it applies to section 1295.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-579-88

Drafting Attorney: Joseph S. Henderson (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AM41

2589. INCOME TAX—TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-4-73.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 343-8459**

RIN: 1545–AC37

2590. INCOME TAX—PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-261-82.

Drafting Attorney: Christine Ellison (202) 377-9660.

Reviewing Attorney: William O'Shea (202) 566-3244.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9660**

RIN: 1545–AE85

2591. INCOME TAX—RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-264-82.

Drafting Attorney: Judith C. Winkler (202) 377-9665.

Reviewing Attorney: Walter H. Woo (202) 535-9545.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AE88

2592. INCOME TAX—APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-265-82.

Drafting Attorney: Judith C. Winkler (202) 377-9666.

Reviewing Attorney: William O'Shea (202) 566-3244.

Treasury Attorney: Kathleen Ferrell (202) 566-2175.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9666

RIN: 1545–AE90

2593. CROSS-REFERENCE—APPLICATION OF SECTION 1374 BUILT-IN GAINS TAX C CORPORATIONS ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-3255.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK93

2594. INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, the thereby giving guidance to the public on how the Internal Revenue Service intends to interpret those sections.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-268-82.

Drafting Attorney: Eileen M. Shatz (202) 566-3822.

Reviewing Attorney: Stuart Wessler (202) 566-6016.

Treasury Attorney: Thomas Hines (202) 566-6813.

Agency Contact: Eileen M. Shatz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3822

RIN: 1545–AE94

2595. ● GENERAL REVISION OF SECTION 1441 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: General revision of section 1441 withholding regulations to accommodate changes to the tax law since these rules were issued.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: INTL-007-90

Drafting attorney: James K. Sams (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AO27

2596. WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund. The notice will be published simultaneously with, and will cross-reference to, temporary regulations dealing with these matters (INTL-938-86). No significant policy issues are involved. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-980-86

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AL30

2597. REVISION OF REGULATIONS UNDER SECTIONS 1491, 1492, AND 1494

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1491 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986; 26 USC 1494 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of these regulations is to provide guidance to taxpayers regarding both the types of outbound property transfers that are subject to the tax imposed by section 1491 and the types of outbound property transfers that are exempt from the tax by reasons of section 1492.

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: INTL-102-89

Drafting attorney: Elizabeth Karzon (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AN39

2598. NONTAXABLE TRANSFERS UNDER SECTION 1491

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to exempt transfers of property to foreign partnerships from the excise tax imposed by section 1491, on the condition that gain attributable to the property at the time of transfer is taxed to the transferor when subsequently disposed of by the foreign transferee partnership. The regulations will set forth the necessary conditions and exceptions to the exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/31/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-260-88

Drafting attorney: Elizabeth Karzon (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Elizabeth Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AL96

2599. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would revise the method of adjusting the basis of stock under section 1.1502-32.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-222-81.

Drafting attorney: David Kessler (202) 566-3220.

Reviewing attorney: John Broadbent (202) 566-4324.

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3220**

RIN: 1545–AC47

2600. INCOME TAX—APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-79.

Drafting attorney: Richard E. Coss (202) 566-6212.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6212**

RIN: 1545–AC55

2601. CLARIFYING DELETION OF REQUIREMENT OF SECTION 1.1502-47(D)(12) (C) THAT IN APPLYING THE TACKING RULE, PROFIT LIFE ACTIVITIES NOT BE SEPARATED FROM LOSS LIFE ACTIVITIES

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502

Legal Deadline: None

Abstract: Section 1.1502-47(d)(12)(C) restricted the separation of profitable life activities from loss life activities to prevent the gaming that otherwise could occur under the "bottom-line" consolidation rule mandated by section 818(f) as in existence prior to the Enactment of the Tax Reform Act of 1984 (TRA 1984), Public Law 98-369. As a result of the new method of taxing life insurance companies enacted in the TRA 1984, the bottom-line consolidation abuse potential is eliminated, thus eliminating the need for section 1.1502-47(d)(12)(C). Removing this provision will remove an unnecessary restraint on transactions, and a potential device to voluntarily deconsolidate.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-157-86

Drafting Attorney: William Barry (202) 566-3354.

Reviewing Attorney: Marcus Blumkin (202) 566-3216.

Treasury Attorney: Don Rocap (202) 566-8278.

Agency Contact: William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, Internal Revenue Service, 1111 Consitution Avenue, NW., Washington DC 20224, 202 566-3354

RIN: 1545–AI98

2602. CROSS-REFERENCE—CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporation acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: John Broadbent (202) 343-0555.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK94

2603. CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-88

Drafting attorney: Jerilynn Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income Taxes

Agency Contact: Jerilynn Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AL44

2604. REVISION OF SECTION 1.1502-33

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Thomas Wessel (202) 566-8277.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AL60

2605. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF ORGANIZATIONS WHOSE TAX EXEMPT STATUS WAS REPEALED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-026-89

Drafting Attorney: Jean M. Whalen (202) 566-3422.

Reviewing Attorney: Edward S. Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-2175.

Income Tax

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3422

RIN: 1545–AM49

TREAS—IRS

Proposed Rule Stage

2606. PAYMENT OF REFUNDS TO CERTAIN FIDUCIARIES OF INSOLVENT MEMBERS OF AFFILIATED GROUPS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1502; 26 CFR 6402

Legal Deadline: None

Abstract: The regulations will address in what instances a refund can be paid to the court appointed fiduciary of an insolvent corporation which is a member of an affiliated group of corporations filing a consolidated return when to the extent, that the Secretary determines the refund is attributable to losses or credits of the insolvent corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-98-88

Drafting attorney: Rose Williams (202) 566-3354.

Reviewing attorney: Lewis Brickates (202) 566-3877.

Income Taxes

Agency Contact: Rose Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3354

RIN: 1545–AM74

2607. ● CONSOLIDATED RETURN REGULATIONS—MODIFICATION OF RESTORATION RULES RELATING TO DEFERRED GAIN PROPERTY SOLD OUTSIDE THE GROUP IN INSTALLMENT SALE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.453A; 26 CFR 1.1502

Legal Deadline: None

Abstract: Addition of an interest charge to consolidated return regulations on restoration of deferred intercompany gains when property is sold outside of affiliated group on installment basis. Regulation is needed to prevent avoidance of section 453A by an intercompany sale.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-90

Drafting attorney: Kenneth Cohen (202) 566-4324.

Reviewing attorney: Edward Cohen (202) 566-3484.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AO44

2608. INCOME TAX—INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 1.1504(d)

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-338-88

Drafting attorney: Kenneth Allison (202) 566-6442.

Reviewing attorney: Benedetta Kissel (202) 566-6442.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AC58

2609. INCOME TAX—AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-152-84.

Drafting attorney: Kenneth Cohen (202) 566-3877.

Reviewing attorney: Edward Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-8529.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AH09

2610. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012 (a) Internal Revenue Code of 1986; 26 USC 2012 (c) Internal Revenue Code of 1986; 26 USC 2013 (b) Internal Revenue Code of 1986; 26 USC 2013 (e) (1) Internal Revenue Code of 1986; 26 USC 2014 (b) (2) Internal Revenue Code of 1986; 26 USC 2035

Internal Revenue Code of 1986; 26 USC 2038 (a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 535-9511.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Agency Contact: Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington DC 20224, 202 535-9511

RIN: 1545–AC60

2611. ESTATE TAX—VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-209-81.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury Attorney: Robert Weaver (202) 535-6964.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9512

RIN: 1545–AC62

2612. ESTATE TAX—INCLUSION OF ESTATE FREEZES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: Through the use of various transactions taxpayers have been able to "freeze" the value of an enterprise by "transferring" a major portion of the enterprise while retaining managerial rights. Section 2036 (c) requires that an estate include the value of "frozen" enterprises where the transferor in effect transfers future appreciation while retaining present income or managerial rights.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-101-88

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6964.

Estate and Gift Taxes

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9512

RIN: 1545–AM59

2613. ● REFORMATION OF CHARITABLE TRANSFERS; DEFINITION OF GUARANTEED ANNUITY AND LEAD UNITRUST INTEREST

Legal Authority: 26 USC 2055 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20.2055

Legal Deadline: None

Abstract: This project will address a number of issues including the following: (1) defining commencement under the 90-day rule; (2) defining what is a reformable interest; (3) reforming a nonremainder interest; and (4) reforming a remainder interest in a form.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-070-89

Drafting attorney: Laura Howell (202) 566-9312.

Reviewing attorney: George Masnik (202) 566-4788.

Treasury attorney: Bob Weaver (202) 535-6964.

Agency Contact: Laura Howell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9508

RIN: 1545–AO31

2614. ALIEN SPOUSE MARITAL DEDUCTION

Legal Authority: 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of1986; 26 USC 2503 Internal

TREAS—IRS **Proposed Rule Stage**

Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-88

Drafting attorney: Susan Hurwitz (202) 566-5983.

Reviewing attorney: George Masnik (202) 566-4482.

Estate and Gift Taxes

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-5983

RIN: 1545–AM85

2615. ESTATE TAX—GENERATION-SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusion ratio.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-73-88

Drafting attorney: John B. Franklin (202) 535-9540.

Reviewing attorney: Fred Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6964.

13 Estate and Gift Tax

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9540

RIN: 1545–AL75

2616. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-38-88.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AF91

2617. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AF97

2618. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the

manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-224-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Treasury attorney: Andrew Dubroff (202) 566-5453.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AE20

2619. ● ADDITIONAL GUIDANCE ON CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986; 26 USC 401(m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract:

The regulations will amend existing regulations to provide additional guidance on several issues.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-007-89

Drafting Attorney: Richard M. Lent (202) 566-3050.

Reviewing Attorney: Richard Wickersham (202) 566-4621.

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC, 202 566-3050

RIN: 1545–AN88

2620. EXCISE TAX—COLLECTION OF EXCISE TAX IMPOSED ON THE SALE OR REMOVAL OF GASOLINE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44141
Hearing	01/05/88	
NPRM - withdrew one paragraph of 11/18/87 NPRM	09/27/88	53 FR 37950
NPRM	10/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

PS-115-86.

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-4077.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AJ09

2621. MODIFICATION OF THE GASAHOL REGULATIONS TO INCREASE THE TOLERANCE ALLOWED TO THE 10 PERCENT ALCOHOL MIXTURE AND TO CLARIFY THE LATER BLENDING RULES

Legal Authority: 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will modify the tolerance allowed for the alcohol to gasoline ratio in gasahol and will clarify the later blending rules with regard to incidental dilution of gasahol at retail outlets.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-093-88

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4077

RIN: 1545–AM86

2622. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides guidance on the collection of diesel fuel excise tax under the Revenue Act of 1987.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-3-88

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-2567.

Treasury attorney: Evelyn Brody (202) 566-5453.

13 Excise Taxes

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AL43

2623. GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirement under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
NPRM	09/27/88	53 FR 37590
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-77-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Consitution Ave., NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AM32

2624. REVISION OF SECTION 48.4181-1(A)(2) OF THE MANUFACTURERS AND RETAILERS EXCISE TAX REGULATIONS RELATING TO THE TAX ON FIREARM PARTS AND ACCESSORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulation will clarify the meaning of the terms "complete firearm" and "parts or accessories of firearms".

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-69-88

Drafting Tax Law Specialist: Donald Fidlow (202) 566-3904.

Reviewing Attorney: Richard Kocak (202) 566-3434.

13 Excise Tax

Agency Contact: Donald Fidlow, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3904**

RIN: 1545–AL72

2625. ● A TAX OF $3.00 A PASSENGER IS IMPOSED ON EACH COVERED VOYAGE BY A COMMERCIAL VESSEL. THIS TAX IS PAID BY THE PERSON PROVIDING THE COVERED VOYAGE

Legal Authority: 26 USC 4471 Internal Revenue Code of 1986; 26 USC 4472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 46

Legal Deadline: None

Abstract: These regulations will provide rules for the application of the tax on transportation of persons by water.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-003-90

Drafting attorney: Edward B. Madden (202) 535-9758.

Reviewing attorney: Jeffrey M. Nelson (202) 566-4077.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4077**

RIN: 1545–AO41

2626. INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX—IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4091 Internal Revenue Code of 1986; 26 USC 4092 Internal Revenue Code of 1986; 26 USC 4093 Internal Revenue Code of 1986; 26 USC 6421 Internal Revenue Code of 1986; 26 USC 6427 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-158-86.

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-5453.

Excise Tax

TREAS—IRS

Proposed Rule Stage

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AJ23

2627. TAX ON CERTAIN IMPORTED SUBSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental tax on certain imported chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	07/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-71-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-5453.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AL73

2628. ● NUCLEAR DECOMMISSIONING RESERVE FUNDS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-5(a)

Legal Deadline: None

Abstract: The proposed regulation will amend parts of the regulations under section 468A of the Code to resolve an apparent inconsistency in such regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-007-90

Drafting attorney: Peter C. Friedman (202) 566-3553.

Reviewing attorney: Charles B. Ramsey (202) 566-3553.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Peter C. Friedman, Senior Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AO42

2629. ● TAX ON OZONE DEPLETING CHEMICALS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4681 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Temporary regulations will set forth rules relating to tax on ozone-depleting chemicals.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-73-89

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AO08

2630. INCOME TAX—EXCISE TAX—PROCEDURE AND ADMINISTRATION—VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-76-84.

Drafting attorney: J.P. Walsh Skelly (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: J.P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AG18

2631. EXCISE TAX—PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86

Tax Law Specialist Vernon Carter (202) 566-3539.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3539

RIN: 1545–AI82

2632. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section l.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: Paul Accettura (202) 566-3505.

Reviewing attorney: Paul Accettura (202) 566-3505.

Agency Contact: Paul Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AI52

2633. ● INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for U.S. corporations or U.S. branches that are 25-percent foreign owned as to what records are to be maintained, where these records are to be maintained and how to designate, in the case of a "related party", an agent. The regulations will also provide rules for the imposition of penalties for failure to comply with section 6038A and exemptions for reasonable cause from the imposition of the penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-869-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 377-9059

RIN: 1545–AO10

2634. PROCEDURE ON CERTAIN FRINGE BENEFITS PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-3251.

Reviewing attorney: Harry Beker (202) 566-3251.

Treasury attorney: Richard Shea (202) 566-5902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AI22

2635. INFORMATION REGARDING RESIDENT STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ93

2636. ● REPORTING REQUIREMENTS CONCERNING CHANGES IN CORPORATE CONTROL OR CAPITAL STRUCTURE UNDER SECTION 6043(C), I.R.C., AS AMENDED BY SECTION 7208(B) OF THE REVENUE RECONCILIATION ACT OF 1989

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6043(c) Internal Revenue Code of 1986; 26 USC 6652(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the project is to implement the reporting requirements under section 6043(c) to provide the Internal Revenue Service information needed in order to more effectively examine the tax consequences of certain transactions in which control of a corporation is acquired or in which the capital structure of a corporation is changed, including in particular certain transactions that might be characterized as "leveraged buy-outs."

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-90

Drafting attorney: Keith Stanley (202) 566-3618.

Reviewing attorney: Howard Staiman (202) 566-3618.

Treasury attorney: Judge Kelley (202) 566-8527.

Agency Contact: Keith Stanley, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3618**

RIN: 1545–AO46

2637. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 7805; 26 CFR 6045

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	05/31/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: IA-94-88

Drafting Attorney: Arthur E. Davis III (202) 377-9581.

Reviewing Attorney: David L. Crawford (202) 377-9590.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-9581**

RIN: 1545–AM38

2638. ● BROKER REPORTING OF OPTION TRANSACTIONS

Legal Authority: 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6045-1(m)

Legal Deadline: None

Abstract: The proposed regulation will establish standards for brokers to report options transactions to the Service.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-004-90

Drafting attorney: Jonathan Silver (202) 566-3297.

Reviewing attorney: Phoebe Mix (202) 566-3331.

Agency Contact: Jonathan Silver, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3297**

RIN: 1545–AO40

2639. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86

Drafting attorney: James Insley (202) 566-6442.

Reviewing attorney: Charles Besecky (202) 566-6442.

Treasury attorney: Mark Beams (202) 566-5992.

13 Income Taxes.

Agency Contact: James Insley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20024, **202 566-6442**

RIN: 1545–AK75

2640. EMPLOYMENT TAX—REPORTING OF PLAN DISTRIBUTIONS AND WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return. Proposed regulations would also clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-29-88

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

This project now includes EE-115-82 (RIN 1545-AE98) which was merged into it.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AL54

2641. INCOME TAX—TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	02/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-63-87

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, IIII Constitution Ave., NW., Washington, D. C. 20224, 202 566-3458

RIN: 1545–AK36

2642. AMEND AGGREGATION RULES FOR FILING REQUIREMENT

Legal Authority: 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1(b)(1)

Legal Deadline: None

Abstract: An amendment to the regulation is necessary as the result of a policy decision to revise Form 8300.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-041-89

Drafting attorney: Philip Scott (202) 566-3826.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Philip Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AN42

2643. IRC SECTION 6051

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6051 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6051

Legal Deadline: None

Abstract: Project will modify existing regulations to require employers who terminate their business or otherwise cease operations to file Forms W-2 and W-3 within 30 calendar days after termination.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-005-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AN57

2644. AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS

Legal Authority: 26 USC 6159 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6159

Legal Deadline: None

Abstract: Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section 6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-708-88

Drafting attorney: Kevin Connelly (202) 535-9682.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AM66

2645. ESTATE TAX—PROCEDURE AND ADMINISTRATION—DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-210-76.

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: Vincent G. Cardella (202) 566-4425.

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3862

RIN: 1545–AD23

2646. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-269-82.

Drafting Attorney: William J. Gregg (202) 377-9470.

Reviewing Attorney: Dianna K. Miosi (202) 566-4070.

Treasury Attorney: Greg Marich (202) 566-2175.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AE96

2647. RAILROAD UNEMPLOYMENT REPAYMENT TAX

Legal Authority: 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The new regulations will restore the authority of the Service to require quarterly payments of the Railroad Unemployment Repayment Tax. The authority was inadvertently eliminated under section 7106 of TAMRA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-001-69

Drafting Attorney: Thomas Wolf (202) 566-3505.

Reviewing Attorney: Phil Corn (202) 566-3505.

Agency Contact: Thomas Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AN40

2648. ● ACCELERATION OF DEPOSIT REQUIREMENTS FOR AIRLINE TICKET TAX

Legal Authority: 26 USC 6302(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 49

Legal Deadline: None

Abstract: Amending regulation to conform to an amendment to section 6302(e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	07/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-009-90

Drafting attorney: Gerald Grasman (202) 343-8556.

Reviewing attorney: Edward Madden (202) 566-4077.

Agency Contact: Gerald Grasman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-8556

RIN: 1545–AO47

2649. PROCEDURE AND ADMINISTRATION REGULATIONS—PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne P. Rosselot, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AI24

2650. NOTICE OF LIEN ON PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6323 (f)(1)(ii),(Revision); 26 CFR 1.6323 (f)(5)

Legal Deadline: None

Abstract: The purpose of these regulations is to solve the problem that arose in the case of United States v. Air Florida, Inc. 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a state has adopted a Federal law establishing a place for the filing of liens under a national filing system, the state is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not subject to any other Federal law establishing a national filing system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-719-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AM64

2651. PROCEDURE AND ADMINISTRATION—RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AE82

2652. EFFECT OF HONORING A LEVY

Legal Authority: 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6332-1(c)

Legal Deadline: None

Abstract: Section 1.6332-1(c) currently provides that any person in possession of or obligated with respect to property or rights to property subject to levy and upon which levy has been made who surrenders the property or rights to property, or discharges the obligation to the district director is discharged from any obligation or liability to the delinquent taxpayer. Section 1015(t) of Technical and Miscellaneous Revenue Act of 1988 amends Section 6332 of the Internal Revenue Code to provide that a person who honors a levy is protected from any obligation or liability to any other person as well as the delinquent taxpayer. This should cause a reduction in the number of interpleader actions filed because of concerns over liability to third parties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: GL-720-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AM72

2653. REQUIREMENT FOR GUARANTEED REMITTANCE TO REDEEM PROPERTY

Legal Authority: 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: To resolve any uncertainty as to how payments to redeem real property sold by the Internal Revenue Service after levy must be made. The present regulations do not state the form in which the redemption price is

to be paid. Thus, controversy exists as to whether personal checks or other non-guaranteed forms of payment would be sufficient to constitute tender.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-425-89

Drafting attorney: Kevin Connelly (202) 566-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-9682

RIN: 1545–AN44

2654. GASOLINE EXCISE TAX DEFINITIONS, NOTIFICATION OF REGISTRATION REQUIREMENTS, AND SECTION 6416 PROCEDURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6416 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the gasoline excise tax definition of trader, notification of registration verification procedures required for tax-free or reduced rate of transfers of gasoline, and additional requirements under section 6416 claims.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-11-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AL69

2655. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-123-86

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AK06

2656. PROCEDURE & ADMINISTRATION—ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-272-81.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AD39

2657. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are

examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

GL-238-88

Drafting attorney: Kevin Connelly (202) 566-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

13 Procedure and Administration

Agency Contact: Kevin Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AL49

2658. ● CERTIFICATES OF COMPLIANCE WITH INCOME TAX LAWS BY DEPARTING ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6851(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will exempt certain alien students, industrial trainees, and exchange visitors from the requirement of obtaining a certificate of compliance with U.S. income tax laws before departing the U.S. This action is necessary because of changes to the applicable tax laws made by the Technical Amendments and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-816-89

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas F. Fuller (202) 377-9059.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN97

2659. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6867

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87.

Drafting attorney: John C. Isaacs (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3780

RIN: 1545–AE30

2660. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87

Drafting attorney: Kevin Connelly (202) 566-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-9682

RIN: 1545–AK24

2661. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses. If the purchaser does not respond within 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for

excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87

Drafting attorney: Barton J. Uze (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

13 Procedure and Administration

Agency Contact: Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AL20

2662. REVIEW OF JEOPARDY LEVY AND ASSESSMENT PROCEDURES

Legal Authority: 26 USC 7429 Internal Revenue Code of 1986 PL 100-647, Sec 6237; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7429

Legal Deadline: None

Abstract: Section 7429 currently provides for administrative and judicial review of jeopardy assessments, but these review procedures do not apply to jeopardy levies. The Technical and Miscellaneous Revenue Act of 1988, PL 100-647, Sec. 6237, extends the review procedures of Section 7429 to the review of jeopardy levies and provides concurrent jurisdiction to the Tax Court with Federal District courts with respect to actions challenging a jeopardy assessment or jeopardy levy, provided a Tax Court petition is filed prior to the making of the assessment or levy. We are examining whether any regulations need to be promulgated under the statutory amendment. In particular, we are examining whether any procedural guidelines for the filing of actions in the Tax Court are needed by means of regulations, or whether revision to Tax Court rules is more appropriate. We are also examining whether the revised review procedures contain any ambiguity for which clarification by way of regulation would be helpful.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-710-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9678

RIN: 1545–AM68

2663. CIVIL DAMAGES FOR FAILURE TO RELEASE LIEN

Legal Authority: PL 100-647, Sec 6240; 26 USC 7432

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The new section 7432 grants taxpayers the right to bring a cause of action for damages in Federal District court if any officer or employee of the Internal Revenue Service knowingly or negligently fails to release a lien under section 6325 on property of the taxpayer. Damages will not be awarded for failure to release a lien unless the court determines that the taxpayer has exhausted all administrative remedies within the Internal Revenue Service. The Secretary must provide by regulations a reasonable procedure for the taxpayer to notify the Service of a failure to release a lien on property of the taxpayer. Currently, we are considering regulations that will provide procedures for a taxpayer to notify the Service of a failure to release a lien and procedures for administrative exhaustion of remedies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-706-88

Drafting attorney: Kevin B. Connelly (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AM63

2664. CIVIL CAUSES OF ACTION FOR DAMAGES SUSTAINED DUE TO CERTAIN UNAUTHORIZED ACTIONS BY I.R.S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6241; 26 USC 7433

CFR Citation: 26 CFR 1.7433

Legal Deadline: None

Abstract: PL 100-647, Sec 6241, adds a new section 7433 to the Internal Revenue Code. This provision allows taxpayers to sue the Internal Revenue Service to recover economic damages if a Service employee, in connection with the collection of a tax, recklessly or intentionally disregards any provision of the Code or regulations. The new implementing regulation will establish administrative remedies for taxpayers to meet the statutory requirement that administrative remedies be exhausted prior to a court award of damages. The regulation will also outline what steps taxpayers should take to satisfy the statutory requirement that they mitigate their damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-707-88

Drafting attorney: Kevin Connelly (202) 566-9682.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Kevin Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 ConstitutionAvenue, NW., Washington, DC 20224, **202 566-9682**

RIN: 1545–AM65

2665. ESTATE AND GIFT TAX VALUATION TABLES

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7520; 26 CFR 1.642, (Revision); 26 CFR 1.664, (Revision); 26 CFR 20.2031, (Revision); 26 CFR 25.2512, (Revision)

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-100-88

Drafting attorney: William L. Blodgett (202) 377-9661.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Unknown

Procedure Involving Taxpayer Interviews

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9661**

RIN: 1545–AM81

2666. PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7605 Internal Revenue Code of 1986; PL 100-647, Sec 6228 Taxpayer Bill of Rights 102 Stat. 3342

CFR Citation: 26 CFR 301.7605-1(a), (Revision)

Legal Deadline: NPRM, Statutory, November 10, 1989. Final, Statutory, November 10, 1992.

Abstract: Section 7605(a) of the Internal Revenue Code, 26 USC 7605(a), and section 301.7605-1(a) of the regulations currently provide the time and place of an examination shall be fixed by an officer or employee of the Internal Revenue Service and shall be reasonable under the circumstances. No regulations have been promulgated elaborating on this provision. The Taxpayer Bill of Rights requires the publication within one year of regulations enumerating standards for determining whether the selection of a time and place for interviewing a taxpayer is reasonable. These regulations are to provide that if it is generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office within the assigned district other than the office located closest to the taxpayer's home. They will also provide it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that doing so will essentially require the taxpayer to close his business.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-705-88

Drafting attorney: Nancy O. Ryan (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Nancy O. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9678**

RIN: 1545–AM69

2667. PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUTES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-521-87

Drafting attorney: Mitchel S. Hyman (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9682**

RIN: 1545–AK72

2668. EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

Legal Authority: 26 USC 7609 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7609

Legal Deadline: None

Abstract: Under prior law the statute of limitations was suspended under IRC section 7609(e)(2) only where summonses were served on third-party recordkeepers as defined in IRC section 7609(a)(3). Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make minor changes to 26 CFR 301.7609 to conform with the 1988 Amendments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-723-88

Drafting attorney: Mitchel Hyman (202) 535-9682.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 535-9682**

RIN: 1545–AM67

2669. COVER OVER OF INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the Treasury of the specified possession of which such individuals are bona fide residents.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545–AL18

2670. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-107-87

Drafting Attorney: Donald J. Drees, Jr. (202) 566-3294.

Reviewing Attorney: Stephen D. Hooe (202) 566-3803.

13 Income Taxes

Agency Contact: Donald J. Drees, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3294**

RIN: 1545–AL08

2671. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1.704-1T

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-13-88

Drafting Attorney: Robert Stoddart (202) 566-4751.

Reviewing Attorney: William P. O'Shea (202) 566-3244.

Treasury Attorney: Barksdale Penick (202) 566-5453.

13 Procedure and Administration

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AL57

2672. 50 PERCENT EXCISE TAX ON ANY GAIN REALIZED BY PERSON WHO RECEIVES "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 155, (New); 26 CFR 602

Legal Deadline: None

Abstract: Proposed regulations relating to the manner and method of reporting and paying the nondeductible 50 % Excise Tax imposed with respect to the receipt of "Greenmail".

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-021-89

TREAS—IRS

Proposed Rule Stage

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-3889.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Warren Joseph, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AN41

2673. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-85-85.

Drafting attorney: William A. Galanko (202) 566-4104.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: William A. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4104

RIN: 1545–AH99

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Internal Revenue Service (IRS)

2674. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-245-84.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3340

RIN: 1545–AH06

2675. INCOME TAX—INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: FI-114-85.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3340

RIN: 1545–AI39

2676. ● MORTGAGE CREDIT CERTIFICATES IN TARGETED AREAS

Legal Authority: 26 USC 25(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The percentage of mortgage originations required by section 1.25-4T(g)(8%) was predicated on the 1:5 trade in rate contained in former section 25(c) of the Code. To accommodate the new 1:4 rate

contained in section 25(c), we are amending section 1.25-4T(g).

Timetable:

Action	Date	FR Cite
Temporary Regulations	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-068-89

Drafting Attorney: Jack Malgeri (202) 566-3347.

Reviewing Attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3347**

RIN: 1545–AN93

2677. ALCOHOL FUEL CREDIT; DEFINITION OF MIXTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.40-1

Legal Deadline: None

Abstract: This regulation explains mixtures for which credit is available.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48639
NPRM Comment Period End	12/26/89	54 FR 48639
Public Hearing	01/04/90	54 FR 48639
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-047-89

Drafting attorney: Frank K. Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4475**

RIN: 1545–AN72

2678. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-83-86

Drafting attorney: Donna Young (202) 377-6349.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Andy Dubroff (202) 535-6966.

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 377-6349**

RIN: 1545–AJ65

2679. CLARIFICATION OF DETERMINATION OF BAD DEBT EXPERIENCE UNDER NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This NPRM cross-references to temporary regulations clarifying the determination of bad debt experience under the nonaccrual-experience method of accounting under IRC section 448(d)(5).

Timetable:

Action	Date	FR Cite
NPRM	04/15/88	53 FR 12534
Hearing	12/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-26-88

Drafting attorney: James A. Orefice (202) 566-3637

Reviewing attorney: Mark Ely (202) 566-3637.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3637**

RIN: 1545–AK92

2680. LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for Federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42098
NPRM Comment Period End	01/04/88	52 FR 42098
Hearing	03/17/88	53 FR 2605

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-62-87

Drafting attorney: Susan Reaman (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6349.

Treasury attorney: Andrew Dubroff (202) 535-6966.

Agency Contact: Susan Reaman, Assistant Branch Chief, Department of

the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AL05

2681. LOW INCOME HOUSING CREDIT RECAPTURE RULE

Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance with respect to the recapture requirements of section 42(j)for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-108-87

Drafting attorney: Christopher J. Wilson (202) 377-6349.

Reviewing attorney: James Ranson (202) 377-6350.

Treasury attorney: Andrew Dubroff (202) 535-6966.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6349

RIN: 1545–AL12

2682. INCOME TAX—SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-176-80.

Drafting attorney: Winston H. Douglas (202) 566-3553.

Reviewing attorney: William J. Dwyer (202) 566-6511.

Energy Credit

Agency Contact: Winston H. Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AA26

2683. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	52 FR 35438
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-183-82.

Drafting attorney: Patrick T. McGroarty (202) 377-6353.

Reviewing attorney: James Ranson (202) 377-6349.

Agency Contact: Patrick T. McGroarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-6353

RIN: 1545–AF06

2684. BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for computing the Alternative Minimum Tax Book Income Adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15234
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-55-87

Drafting attorney: Nicholas G. Bogos (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-4104.

Treasury attorney: Marc Levy (202) 535-4902.

Agency Contact: Nicholas G. Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AK23

TREAS—IRS **Final Rule Stage**

2685. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-84-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-3802.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AL03

2686. ADJUSTED CURRENT EARNINGS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.56

Legal Deadline: None

Abstract: Determination of adjusted current earnings of corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-029-89

Drafting attorney : Nicholas G. Bogos (202) 566-6320.

Reviewing attorney: William A. Galanko (202) 566-4104.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Nicholas G. Bogos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6320

RIN: 1545–AN24

2687. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19409
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-56-87

Drafting attorney: Forest R. Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Forest R. Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AK20

2688. ● APPLICATION OF SECTION 58(H) OF THE 1954 CODE TO SITUATIONS INVOLVING NOL CARRYBACKS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 58(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: This regulation will give guidance on how to apply the special 58(h) tax benefit rule when a taxpayer receives no tax benefit from items of tax preference because of net operating losses.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-060-89

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Bill Galanko (202) 566-4104.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Forest Boone, Tax Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AO36

2689. ● SECTION 702 OF THE FAMILY SUPPORT ACT OF 1988

Legal Authority: 26 USC 62(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.62

Legal Deadline: None

Abstract: The regulations provide guidance regarding the taxation of and reporting and withholding on payments with respect to employee business expenses under a reimbursement or other expense allowance arrangement.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51038
NPRM Comment Period End	02/12/90	54 FR 51038
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-008-89

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Judd Kelley (202) 566-8527.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3503

RIN: 1545–AO06

2690. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	07/09/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: George B. Baker (202) 566-9292.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AJ49

2691. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34528
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-153-84.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: Stephen J. Toomey (202) 566-3863.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AI49

2692. PROPOSED UNIFORM PREMIUM TABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulation will extend the present table for determining the cost of group term life insurance to include ages over 64.

Timetable:

Action	Date	FR Cite
NPRM	11/20/89	54 FR 47995
NPRM Comment Period End	01/20/90	54 FR 47995
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-003-89

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Cross-Reference to EE-89-88.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AN51

2693. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation. Also, these regulations will provide additional guidance for cafeteria plans under section 125.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9460
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-130-86

Drafting attorney: Munroe/Zech (202) 566-3251.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AI78

2694. INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	49 FR 45449
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-190-78.

Drafting attorney: Hervey H. Kornegay (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: Hervey H. Kornegay, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AA49

2695. INCOME TAX—TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-59-74.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4085.

Treasury Attorney: Gregory Jenner (202) 566-5911.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AA56

2696. INCOME TAX—MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103A, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 566-4310.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4310

RIN: 1545–AA63

2697. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51414
Final Action	00/00/00	
Final Action Effective	00/00/00	

TREAS—IRS

Final Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

13 Income Tax

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AE18

2698. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)—RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-221-82.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AE24

2699. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-157-84.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury Attorney: Gregory Jenner (202) 566-5911.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AH19

2700. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AH68

2701. CLARIFICATION REGARDING THE CONCLUSIVENESS OF THE CERTIFICATION UNDER SECTION 1.103-13(A)(2) OF THE INCOME TAX REGULATIONS

Legal Authority: 26 USC 103 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: This regulation clarifies the extent to which a certification is conclusive as to the reasonable expectations of the issuer under section 1.103-13 (a) (2) of the Income Tax

Regulations, when the issuer either certifies in bad faith or takes subsequent and deliberate actions to produce arbitrage.

Timetable:

Action	Date	FR Cite
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-031-89

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3347**

RIN: 1545–AN08

2702. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 116 Internal Revenue Code of 1986 PL 96-223, Sec 404

CFR Citation: 26 CFR 116

Legal Deadline: None

Abstract: This regulations project is necessary to conform the regulations relating to section 116 of the Internal Revenue Code of 1986 to amendments to section 404 made by the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. This regulation will provide guidance to individuals who administer section 116 and taxpayers who are subject to and must comply with these sections of the code. Section 116 relates to the partial exclusion of dividends and interest received by individuals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-80

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: William Galanko (202) 566-4104.

Income Tax

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3862**

RIN: 1545–AM73

2703. INCOME TAX—TAX TREATMENT OF CAFETERIA PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
NPRM	03/07/89	54 FR 9500
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3251**

RIN: 1545–AD63

2704. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-222-78.

Drafting attorney: Brenda M. Stewart (202) 566-4919.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4919**

RIN: 1545–AA73

2705. INCOME TAX—PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: IA-83-83.

Drafting attorney: Victoria J. Driscoll (202) 566-3637.

Reviewing attorney: John Coulter (202) 566-3928.

Agency Contact: Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AF52

2706. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to arbitrage restrictions on tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	05/15/89	54 FR 20861
NPRM Comment Period End	11/15/89	54 FR 37947
Public Hearing	12/13/89	54 FR 37947

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-91-86

Drafting attorney: George F. Delduke (202) 566-4545.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Gregory F. Jenner (202) 566-5911.

Agency Contact: George Delduke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ67

2707. ● YIELD ADJUSTMENT PAYMENT RULES FOR QUALIFIED STUDENT LOAN BONDS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.148-10T

Legal Deadline: None

Abstract: Procedures and methodology for computing and making yield adjustment payments to the United States with respect to arbitrage earned on qualified student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2534
NPRM Comment Period End	03/26/90	55 FR 2534
Final Action	01/30/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-075-89

Drafting attorney: David A. Walton (202) 566-3723.

Reviewing attorney: David A. Walton (202) 566-3723.

Treasury attorney: Greg Jenner (202) 566-5911.

Agency Contact: David Walton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3723

RIN: 1545–AO19

2708. ● CLARIFYING WHEN PROCEEDS OF AN OBLIGATION DESCRIBED IN SECTION 103(A) ALLOCATED TO REIMBURSE PREVIOUSLY PAID EXPENDITURES ARE DEEMED SPENT FOR PURPOSES OF SECTION 148 OF THE CODE

Significance: Agency Priority

Legal Authority: 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Addresses the issue of whether proceeds of a a tax exempt bond used to reimburse an expenditure previously made by the bond issue will be deemed to be spent and thereby no longer subject to arbitrage and rebate requirements.

Timetable:

Action	Date	FR Cite
Temporary Regulations	04/01/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: FI-059-89

Drafting attorney: David A. Walton (202) 566-3723.

Reviewing attorney: David A. Walton (202) 566-3723.

Agency Contact: David A. Walton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3723

RIN: 1545–AO37

2709. SUBSEQUENT INTENTIONAL ACTS TO EARN ARBITRAGE AND THE REASONABLE EXPECTATIONS TEST FOR ARBITRAGE BONDS

Legal Authority: 26 USC 148 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: The proposed regulations provide that if subsequent intentional acts are taken after the date of issue to earn arbitrage, the reasonable expectations test does not prevent a bond from being declared an arbitrage bond.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-044-89

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Mike Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3347

RIN: 1545–AN69

2710. ● 2-YEAR ARBITRAGE REBATE EXCEPTION

Significance: Agency Priority

Legal Authority: 26 USC 148(F)(4)(B)(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance concerning the two-year exception from arbitrage rebate continued in Section 148(F)(4)(B)(i) of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulations	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-001-90

Drafting attorney: Jack Malgeri (202) 566-4545.

Reviewing attorney: Michael Montemurro (202) 566-4545.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4545**

RIN: 1545–AO33

2711. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Hearing	06/26/87	
Final Action	08/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-146-86

Drafting Attorney: Mark Scott (202) 566-4336.

Reviewing Attorney: Alice Bennett (202) 566-3287.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4336**

RIN: 1545–AJ63

2712. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106 (b) Internal Revenue Code of 1986; 26 USC 162 (i) (2) Internal Revenue Code of 1986; 26 USC 162 (k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86

Drafting attorney: Mark Schwimmer (202) 566-3155.

Review attorney: Rhonda Migdail (202) 566-4741.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3155**

RIN: 1545–AI93

2713. INCOME TAX REGULATIONS—LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-137-86

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AK17

2714. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules regarding deductibility of interest on pass-through certificates when certificates are held by nominees.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17960
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INTL-905-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

TREAS—IRS

Final Rule Stage

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM22

2715. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Publication of section 1.163-5T inadvertently deleted 12/19/86, dealing with deductibility of interest on pass-through certificates.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17959
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-990-86

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM23

2716. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 163 of the Code provides that debt obligations issued in bearer form by U.S. persons must be issued under arrangements reasonably designed to ensure their sale to non-U.S. persons. These regulations specify the procedures that constitute arrangements reasonably designed. Those procedures include covenants, confirmations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35200
NPRM Comment Period End	10/10/89	54 FR 34200
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INTL-536-89

Drafting Attorney: Carl M. Cooper (202) 566-6795.

Reviewing Attorney: Robert A. Katcher (202) 566-6795.

Treasury Attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AN60

2717. INCOME TAX REGULATIONS—TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-147-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AG57

2718. NORMALIZATION REQUIREMENTS FOR PUBLIC UTILITY PROPERTY: INCONSISTENT PROCEDURES AND ADJUSTMENTS

Legal Authority: 26 USC 168 (i)(9)(B)(iii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 167; 26 CFR 168

Legal Deadline: None

Abstract: Regulation will provide guidance as to the proper application of the normalization requirements for public utilities filing consolidated income tax returns. Regulation will prescribe the extent to which adjustments and procedures that reduce a utility's ratemaking tax expense to reflect the tax losses of nonregulated affiliated companies will be treated as inconsistent with the normalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-107-88

Drafting attorney: Martin Schaffer (202) 566-3553.

Reviewing attorney: Noel Sheehan (202) 566-3292.

Treasury attorney: Robert Scarborough (202) 566-2928.

Income Taxes

Agency Contact: Martin Schaffer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AM60

TREAS—IRS **Final Rule Stage**

2719. INCOME TAX—ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57 (a) (12) Internal Revenue Code of 1954; 26 USC 312 (k) Internal Revenue Code of 1954; 26 USC 172 (b) Internal Revenue Code of 1954; 26 USC 812 (b) Internal Revenue Code of 1954; 26 USC 46 (b) Internal Revenue Code of 1954; 26 USC 53 (c) Internal Revenue Code of 1954; 26 USC 381 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the accelerated cost recovery scheme. This cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-185-81.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Treasury attorney: Barksdale Penick (202) 566-5453.

Accelerated Cost Recovery System.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AA87

2720. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	06/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-31-85.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Reviewing attorney: William Galanko (202) 566-4104.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AH76

2721. DEDUCTIONS IN EXCESS OF $5000 CLAIMED FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 (a) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide substantiation requirements with which a donor must comply in order to take a deduction for a charitable contribution of certain property.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Hearing	09/23/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-87

Drafting attorney: Stuart Spielman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: Evelyn Brody (202) 566-5453.

13 Income Tax

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AL09

2722. DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

Legal Authority: 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.174-2; 26 CFR 1.41

Legal Deadline: None

Abstract: The regulations clarify the definition of "research and experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174.

Timetable:

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21224
NPRM Comment Period End	07/17/89	
Public Hearing	12/05/89	54 FR 37947
Final Action	05/01/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-002-89

Drafting attorney: David Hudson (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn Brody (202) 535-6959.

Research and Experimental Expenditures

Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AM92

2723. PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19312
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-86.

Drafting attorney: David L. Click (202) 566-4821.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: David L. Click, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AJ96

2724. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AD59

2725. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AD66

2726. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10118
NPRM Comment Period End	05/29/87	

TREAS—IRS

Final Rule Stage

Action	Date	FR Cite
Hearing	12/07/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-168-86.

Drafting attorney: Ellen McElroy (202) 566-3731.

Reviewing attorney: Paulette C. Galanko (202) 566-3802.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3731

RIN: 1545–AK05

2727. TEMPORARY REGULATION—CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-120-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: Paulette C. Galanko (202) 566-3802.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3024

RIN: 1545–AK03

2728. LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0267 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The primary purpose of this project is to provide final regulations under section 267 of the Internal Revenue Code concerning the deferral and restoration of loss on the intercompany sale of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-023-89

Drafting Attorney: Nelson F. Crouch (202) 566-3255.

Reviewing Attorney: James L. Dahlberg (202) 566-3255.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AN19

2729. ● DEDUCTIONS OF AMOUNTS OWED TO RELATED FOREIGN PERSONS UNDER SECTIONS 267(A)(3) AND 163(E)(3)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267(a)(3) Internal Revenue Code of 1986; 26 USC 163(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for the deduction of amounts owed to a related foreign person.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-626-89

Drafting attorney: James K. Sams (202) 377-9059.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN84

2730. INCOME TAX—PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-188-82.

Drafting attorney: Brendan O'Hara (202) 566-2455.

Reviewing attorney: Nelson Crouch (202) 566-3651.

Agency Contact: Brendan O'Hara, Attorney/advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AF11

2731. ● APPLICATION OF SECTION 269 TO OWNERSHIP CHANGES DESCRIBED IN SECTION 382 (L) (5) WHEN THERE IS NO CONTINUITY OF BUSINESS ENTERPRISE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will make clear that Section 269 continue to apply to acquisitions of control which are specifically addressed by Section 382 (as amended by the Tax Reform Act of 1986). Creditors who receive stock of a debtor corporation in satisfaction of indebtedness will not be treated as owning the stock of the corporation for purposes of Section 269 before the time of the stock-for-debt exchange. The Section 382 (c) continuity of business enterprise requirement will not apply to ownership changes excepted from the application of Section 382 (a) by Section 382 (l) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-077-89

Drafting attorney: Victor Penico (202) 566-3618.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Treasury attorney: Tom Wessel (202) 566-8277.

Agency Contact: Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO29

2732. EMPLOYEE ACHIEVEMENT AWARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 74 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 274; 26 CFR 74; 26 CFR 102

Legal Deadline: None

Abstract: Final regulations concerning employee achievement awards. Specific guidance concerning the phrase "tangible personal property".

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
Public Hearing on Prop. Regs.	06/02/89	54 FR 18117

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-006-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AN56

2733. INCOME TAX—SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action	06/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-140-86.

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AJ40

2734. INCOME TAX—DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	09/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-261-76.

Drafting Attorney: Joel S. Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AB09

2735. LIMITATION OF DEDUCTIONS ON PASSENGER AUTOMOBILES AND OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the Investment Tax Credit (if any) and Cost Recovery deductions allowable with respect to passenger automobiles and certain other "listed property".

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-015-89

Senior tax law specialist: John E. Moffat (202) 566-3553.

Reviewing Attorney: Charles B. Ramsey (202) 566-3553.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AN05

2736. ● AUTOMOBILE INCLUSION AMOUNTS FOR CALENDAR YEARS AFTER 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the authority to accomplish adjustments in the table used to determine the amount included in the income of a lessee of a passenger automobile. The tax law applicable to automobiles placed in service after 1988, requires annual adjustments in the table to reflect automobile price inflation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-53-89

Senior tax law specialist: John E. Moffat (202) 566-3553.

Reviewing attorney: Charles B. Ramsey (202) 566-3553.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3553

RIN: 1545–AN80

2737. AFFILIATED GROUPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides proper adjustments to stock bases and earnings and profits of members of an affiliated group in section 304 (a) transfers of intragroup stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-2-88

Drafting attorney: Richard Osborne (202) 566-2456.

Reviewing attorney: Virginia Voorhees (202) 566-2454.

13 Income Taxes

Agency Contact: Richard Osborne, Assistant to Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2456

RIN: 1545–AL41

2738. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-51-87

Drafting attorney: Linda Schultz (202) 566-3422.

Reviewing attorney: Marcus Blumkin (202) 566-3216.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Linda Schultz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3422

RIN: 1545–AK30

2739. RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted

the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented in certain circumstances, including, Downstream Mergers, Conversion into Tax Exempt Entities, and Cross Ownership. This project will seek to identify these areas and promulgate regulations to assure corporate level gain recognition as required by the Act.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-117-86.

Drafting Attorney: John N. Geracimos (202) 566-3341.

Reviewing Attorney: Virginia S. Voorhees (202) 566-2454.

Treasury Attorney: Thomas F. Wessel (202) 566-8277.

Agency Contact: John W. Geracemos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3341

RIN: 1545–AJ01

2740. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to cause the recognition of net gain by the distributing corporation ("parent") upon the distribution of the stock and securities of a controlled corporation ("subsidiary") in a transaction to which section 355 applies when the distribution is part of a transaction that is made with a gain avoidance purpose and within two years of the distribution a person acquires control of the parent or the subsidiary.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-88

Drafting attorney: Robert Casey (202) 566-3551.

Reviewing attorney: Glenn Carrington (202) 566-3430.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income tax

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AM34

2741. SCOPE OF GENERAL UTILITIES REPEAL

Legal Authority: 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented in certain circumstances, including, downstream mergers, conversion into tax exempt entities, and cross ownership. This project will seek to identify these areas and promulgate regulations to assure corporate level gain recognition as required by the Act.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-014-89

Drafting attorney: John Geracimos (202) 566-3651.

Reviewing attorney: Virginia Voorhees (202) 566-8454.

Agency Contact: John Geracimos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3651

RIN: 1545–AN21

2742. DEEMED PURCHASE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-191-82.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-3458.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF29

2743. INCOME TAX—ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338

Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-26-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas F. Wessel (202) 566-2927.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF38

2744. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-218-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AF93

2745. QUESTIONS AND ANSWERS RELATING TO MISCELLANEOUS MATTERS UNDER SECTION 338

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-33-85.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AH88

2746. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-8-86.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AI53

2747. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require the use of the MADSP formula in a qualified stock purchase to which section 338(h)(10) applies.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-76-86

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AJ07

2748. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338(h)(10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-49-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AK32

2749. ● MULTIPLE TAXATION

Significance: Agency Priority

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules on the determination of the amount of gain or loss recognized by a target corporation upon its deemed sale under section 338(a) of the stock of certain affiliates of the target corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-051-89

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judd Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AN86

2750. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	08/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-610-86

Drafting attorney: Elizabeth U. Karzon (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AK74

2751. INCOME TAX—PART 1—TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from

an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-76-86.

Drafting attorney: Bruce Davis (202) 566-9050.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Bruce Davis, Special Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Room 4109, Washington, DC 20224, 202 566-9050

RIN: 1545–AI32

2752. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9236
NPRM Comment Period End	05/05/89	54 FR 9236
Final Action	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-988-86

Drafting attorney: Bruce Davis (202) 566-9050.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Bruce Davis, Special Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-9050

RIN: 1545–AJ78

2753. CERTAIN EXCHANGES DESCRIBED IN MORE THAN ONE CODE PROVISION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Change regulations to conform treatment under the section 367(b) regulations of the transfer of controlled foreign corporation stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-358-89

Drafting attorney: Bruce Davis (202) 566-9050.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Bruce Davis, Special Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-9050

RIN: 1545–AN59

2754. CERTAIN CORPORATE DISTRIBUTIONS TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1472
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-704-87

Drafting attorney: Charles P. Besecky (202) 566-6442.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AL35

2755. INCOME TAX—EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 (a) (2) (F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-135-76.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3551

RIN: 1545–AB31

TREAS—IRS **Final Rule Stage**

2756. INCOME TAX—OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment Period End	10/13/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-106-86.

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3280.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AJ00

2757. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information:

CO-66-87.

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AK87

2758. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation provides rules for computation of the section 382 limitation by groups filing consolidated returns.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-132-87

Drafting attorney: David P. Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Income Taxes

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AL36

2759. ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in regulations, sections 382(b)(3)(A) and (d)(1) of the Internal Revenue Code of 1986 provide for a ratable allocation of income or net operating loss, respectively, for the taxable year that includes the change date. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books as of the change date (rather than on the basis of a ratable allocation). The purpose of this regulations project is to implement the above mentioned portion of Notice 87-79 and to provide guidance in certain related areas.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-49-88

Drafting attorney: Roberta Mann (202) 566-3265.

Reviewing attorney: Keith Stanley (202) 566-3238.

Treasury attorney: Thomas Wessel (202) 566-8277.

13 Income Tax

Agency Contact: Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3265

RIN: 1545–AL58

2760. AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project is to amend the temporary regulations under section 382 of the Internal Revenue Code to grant the Internal Revenue Service the authority to designate in the Internal Revenue Bulletin additional options to be excepted from the attribution rules of section 1.382-2T(h)(4)(i).

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 52955
NPRM Comment Period End	02/26/90	54 FR 52955
Final Action	06/29/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-010-89

Drafting attorney: Keith Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3367

RIN: 1545–AN76

2761. ● OPTION ATTRIBUTION; IMMEDIATELY BEFORE AND AFTER RULE

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of the operation of the option attribution rule with respect to options outstanding immediately before and after an ownership change.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-062-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AO11

2762. ● CORPORATE CONTRACTIONS UNDER SECTION 382

Significance: Agency Priority

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations will be issued which will identify certain acquisition indebtedness as a corporate contraction for purposes of section 382(e)(2).

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-035-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AO20

2763. FOREIGN CORPORATE FIRST TIER ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.382-2T(k)(6)

Legal Deadline: None

Abstract: The temporary regulations under section 382 of the Code require loss corporations to identify their five percent shareholders and any five percent shareholders of the loss corporation's corporate shareholders. Foreign corporations do not always have the ability to identify their five percent shareholders. This project will consider whether the attribution, aggregation, and segregation rules under section 382 should be modified when applied to foreign corporate shareholders of a loss corporation, and whether the Service should substitute a more convenient inquiry for foreign corporate shareholders than the current five percent shareholder identification.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-034-89

Drafting attorney: Vicki Hyche (202) 566-3265.

Reviewing attorney: Nelson Crouch (202) 566-3255.

Agency Contact: Vicki J. Hyche, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3265

RIN: 1545–AN61

2764. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, September 21, 1992. NPRM, Judicial, September 21, 1992.

Abstract: The regulations would specify the manner and method on applying the

special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
NPRM	09/20/89	54 FR 38695
NPRM Comment Period End	11/20/89	54 FR 38695
Final Action	12/19/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-69-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3205**

RIN: 1545–AK26

2765. INCOME TAX—REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4747**

RIN: 1545–AD68

2766. INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Jerry Holmes/R. Wickersham (202) 566-4747.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4747**

RIN: 1545–AE95

2767. INCOME TAX—PART 1—ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6710
NPRM Comment Period End	04/17/89	54 FR 6710
Hearing	10/30/89	54 FR 32453
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-44-87

Drafting attorney: Michael Lloyd (202) 343-6954.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: Michael Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 343-6954**

RIN: 1545–AK46

2768. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(k)

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401(k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	01/27/89	54 FR 4045
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-158-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050.

Reviewing attorney: Richard Wickerhsam (202) 566-4621.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI79

2769. INCOME TAX—PART 1—APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (l) Internal Revenue Code of 1986; 26 USC 401 (a) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45917
NPRM Comment Period End	01/17/89	53 FR 45917
Public Hearing	06/29/89	54 FR 12925

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-159-86

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AI86

2770. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(m)

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	01/27/89	54 FR 4045
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-160-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Kurt Lawson (202) 566-2175.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3050

RIN: 1545–AI80

2771. INCOME TAX—DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Harry Beker (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AD81

2772. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-83.

Drafting attorney: William Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3050**

RIN: 1545–AF83

2773. COVERAGE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Rules relating to minimum coverage requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21437
Hearing	11/20/89	54 FR 34790
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-128-86

Drafting attorney: Rebecca Wilson (202) 343-6954.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Rebecca Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 343-6954**

RIN: 1545–AK41

2774. INCOME TAX—PART 1—BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (b) (1) (H) Internal Revenue Code of 1986; 26 USC 411 (b) (2) Internal Revenue Code of 1986; 26 USC 410 (a) (2) Internal Revenue Code of 1986; 26 USC 411 (a) (8) (B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86

Drafting attorney: Stephen H. Sherman (202) 566-3251.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Paul Strella (202) 566-8277

Agency Contact: Stephen H. Sherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3251**

RIN: 1545–AI85

2775. INCOME TAX—PART 1—MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986."

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86

Drafting attorney: T. Wolf (202) 566-3539.

Reviewing attorney: James Brokaw (202) 566-3496.

Cross-Reference to EE-73-87

Agency Contact: T. Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3539**

RIN: 1545–AI88

2776. INCOME TAX—EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AD90

2777. INCOME TAX REGULATIONS—AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (n) Internal Revenue Code of 1986; 26 USC 414 (m) (5) Internal Revenue Code of 1986; 26 USC 414 (o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott/Rhonda Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AE91

2778. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
hearing	12/04/89	54 FR 39797
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-129-86

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Reviewing attorney: Nancy J. Marks (202) 566-4621.

Cross Reference to EE-74-87.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-6954

RIN: 1545–AI91

2779. TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-45-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AK63

2780. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-53-88

Drafting attorney: Arthur Davis (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

13 Income taxes

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 377-9581

RIN: 1545–AL68

2781. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-122-86.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Mark Ely (202) 566-3637.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AJ52

2782. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING—CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 (d) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448 (d) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-79-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Mark Ely (202) 566-3637.

Treasury attorney: Marc Levy (202) 566-4402.

13 Income Tax

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AM33

2783. ● UNTIMELY COMPLIANCE WITH SECTION 448

Significance: Agency Priority

Legal Authority: 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.448-1T

Legal Deadline: None

Abstract: Proposal would provide guidance to taxpayers that failed to comply with the effective date provision of Section 448 and the regulations thereunder.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-52-89

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Marc D. Levy (202) 566-4902.

Agency Contact: Jim Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AN91

2784. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-121-85.

Drafting attorney: Carol Conjura (202) 566-3731.

Reviewing attorney: John M. Fischer (202) 566-8131.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3731

RIN: 1545–AI19

2785. INCOME TAX—GENERAL RULES FOR INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-173-80.

Drafting attorney: Chris Rogers (202) 377-9583.

Reviewing attorney: George Wright (202) 566-9587.

Treasury attorney: Marc Levy (202) 566-4902.

TREAS—IRS

Final Rule Stage

Agency Contact: Chris Rogers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9583

RIN: 1545–AB42

2786. INCOME TAX—INSTALLMENT REPORTING—ASSET SALES AND LIQUIDATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation. Additionally includes rules regarding the allocation of consideration received in a multiple asset sale if a disposition of any one of the properties would qualify for installment sale treatment.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-184-80.

Drafting attorney: Robert Deitz (202) 377-9582.

Reviewing attorney: Doug Fahey (202) 566-4442.

Treasury attorney: Mark Levy (202) 566-4902.

Agency Contact: Robert Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9582

RIN: 1545–AB43

2787. INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-186-80.

Drafting Attorney: D. Lindsay Russell (202) 343-2381.

Reviewing Attorney: John M. Fischer (202) 566-8131.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2381

RIN: 1545–AB44

2788. TRANSITIONAL RULE RELATING TO CERTAIN INSTALLMENT SALES BY MANUFACTURERS TO DEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance with respect to an exception from the general rules applicable to installment sales.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26279
NPRM Comment Period End	09/12/88	53 FR 26279

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-51-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Taxes

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AL55

2789. SPECIAL RULES FOR NONDEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the pledging rules and special interest charge of section 453A.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-025-89

Drafting Attorney: James A. Orefice (202) 566-3637.

Reviewing Attorney: Cynthia L. Clark (202) 566-6302.

Treasury Attorney: Marc Levy (202) 566-4902.

Agency Contact: James Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AN13

2790. CERTAIN INDEBTEDNESS TREATED AS PAYMENTS ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for treating certain indebtedness as payment on installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34778
NPRM Comment Period End	11/07/88	53 FR 34778

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Tax

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AM37

2791. INCOME TAX—EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-195-78.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3861

RIN: 1545–AB48

2792. TEMPORARY INCOME TAX REGULATIONS—THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/10/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-257-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AH33

2793. INCOME TAX—LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, et cetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-144-76.

Drafting attorney: Raymond Bailey (202) 566-4440.

Reviewing attorney: Bernard Englander (202) 566-4440.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Raymond Bailey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4440

RIN: 1545–AB51

2794. INCOME TAX—DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701

TREAS—IRS **Final Rule Stage**

Action	Date	FR Cite
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-168-76.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AB52

2795. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-155-85.

Drafting Attorney: Charles Alton (202) 377-9660.

Reviewing Attorney: Frances D. Schafer (202) 566-3629.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AI41

2796. ● REGULATIONS WILL PROVIDE GUIDANCE ON WHAT CONSTITUTES AN INTEREST OTHER THAN THAT OF A CREDITOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on what constitutes an interest other then that of a creditor.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/30/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-063-89

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William O'Shea (202) 566-3244.

Treasury attorney: John Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W, Washington, DC 20224, 202 377-9660

RIN: 1545–AO32

2797. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: The proposed regulations address essential issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-14-88

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael Grace (202) 566-4751.

Treasury attorney: John H. Parcell(202) 535-6965.

13 Income Tax

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AB26

2798. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—MISCELLANEOUS ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-6T; 26 CFR 1.469-7T; 26 CFR 1.469-8T; 26 CFR 1.469-9T; 26 CFR 1.469-10T

Legal Deadline: None

Abstract: The proposed regulations address miscellaneous issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-083-88

Drafting Attorney: Dexter Johnson (202) 566-4751.

Reviewing Attorney: Michael J. Grace (202) 566-4751.

Treasury Attorney: John H. Parcell (202) 566-6965.

Income Tax

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AM58

TREAS—IRS

Final Rule Stage

2799. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulations will provide final rules for allocating interest expense for purposes of applying the passive loss, investment interest and personal interest limitations.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25036
NPRM Comment Period End	08/31/87	52 FR 25036
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-010-87

Drafting attorney: Robert N. Deitz (202) 566-3142.

Reviewing attorney: Michael J. Grace (202) 566-6460.

Treasury attorney: Adam Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3142

RIN: 1545–AM83

2800. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO TRUSTS, ESTATES, AND THEIR BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469 (a) (2) (A) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-8T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss limitations affect trusts and estates.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-036-89

Drafting Attorney: Margaret O'Connor (202) 566-6016.

Reviewing Attorney: Michael Grace (202) 377-9660.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6016

RIN: 1545–AN62

2801. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—MISCELLANEOUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-2T

Legal Deadline: None

Abstract: Regulation excludes certain casualty and theft losses from passive activity deductions and otherwise amends existing regulations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-065-89

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AO01

2802. ● PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS—TECHNICAL AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469

Legal Deadline: None

Abstract: Regulation will amend certain rules in existing regulations and possibly provide a safe harbor for moderate-income taxpayers.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-071-89

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AO38

2803. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—FORMER PASSIVE ACTIVITIES

Legal Authority: 26 USC 469 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-1T(k)

Legal Deadline: None

Abstract: The regulations will provide rules concerning the treatment of former passive activities and changes in the status of certain corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-37-89

Drafting attorney: Andrea Tucker (202) 377-9665.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Avenue, NW., Washington, DC 20224, **202 377-9665**

RIN: 1545–AN66

2804. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—$25,000 OFFSET FOR RENTAL REAL ESTATE ACTIVITIES

Legal Authority: 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-9T

Legal Deadline: None

Abstract: The regulation will address the offset of up to $25,000 from passive activity loss and passive credit limitations where the taxpayer is a natural person that actively participates in rental real estate activities and meets certain adjusted gross income requirements.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-040-89

Drafting Attorney: Margaret O'Connor (202) 566-6016.

Reviewing Attorney: Michael Grace (202) 377-9660.

Treasury Attorney: John Parcell (202) 566-2784.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6016**

RIN: 1545–AN65

2805. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO INTERESTS IN PUBLICLY TRADED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-10T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss and credit limitations affect publicly traded partnerships and their partners.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-038-89

Drafting attorney: Robert Stoddart (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AN63

2806. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T; 26 CFR 602.101

Legal Deadline: None

Abstract: Pursuant to the grant of authority in section 469(l), the regulations define "activity".

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20606
NPRM Comment Period End	08/31/89	54 FR 20606
Public Hearing	11/28/89	54 FR 3254
Final Action	05/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-001-89

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John H. Parcell (202) 535-6965.

Income Taxes

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4751**

RIN: 1545–AM88

2807. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS-SELF CHARGED ITEMS

Legal Authority: 26 USC 0469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-7T

Legal Deadline: None

Abstract: The regulation will address the treatment of self-charged items of income and expense in connection with transactions between passthrough entities and owners of interests in those entities.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: PS-039-89

Drafting attorney: Dexter Johnson (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9660**

RIN: 1545–AN64

2808. SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASSTHROUGH ENTITIES

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between

passthrough entities and interest holders.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-109-87

Drafting attorney: Dexter Johnson (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: Adam A. Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9660

RIN: 1545–AM79

2809. INCOME TAX—THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	04/11/83	48 FR 6134
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-254-81.

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2383

RIN: 1545–AB55

2810. SIMPLIFIED DOLLAR VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-30-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant advisor : Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-2383

RIN: 1545–AN09

2811. INCOME TAX—RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (c) (12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-17-81.

Drafting attorney: Elizabeth A. Purcell (202) 566-3251.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3251

RIN: 1545–AD99

2812. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

FI-81-86.

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Sharon Galm (202) 566-3326.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AJ31

TREAS—IRS

Final Rule Stage

2813. INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-152-79.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AB66

2814. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 597 Internal Revenue Code of 1986, as amended

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-045-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3346.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3829

RIN: 1545–AN70

2815. INCOME TAX—SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 (a) Internal Revenue Code of 1986; 26 USC 703 (a) Internal Revenue Code of 1986; 26 USC 705 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-105-75.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4819

RIN: 1545–AB73

2816. TRANSFERS BY INDIVIDUALS TO CORPORATION UNDER SECTION 613A (C)(10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A (c) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-35-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4819

RIN: 1545–AB74

2817. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Final Action	09/07/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3980

RIN: 1545–AJ47

2818. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53174
NPRM Comment Period End	03/30/89	53 FR 53174
Extension of comment periodNPRM to 01/22/90	11/21/89	54 FR 48117
Extension of comment periodNPRM	00/00/00	54 FR 25878
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-229-84.

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2175.

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AH26

2819. AMENDMENTS TO PROPOSED REGULATIONS UNDER SECTIONS 752 AND 704(B) ISSUED 12/29/88

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These amendments make certain clarifying and corrective changes to the proposed regulations issued 12/29/88 (RIN 1545-AH26) relating to the treatment of partnership liabilities and the allocation of deductions attributable to nonrecourse debt.

Timetable:

Action	Date	FR Cite
NPRM	11/21/89	54 FR 48116
NPRM Comment Period End	01/19/90	54 FR 48116
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-019-89

Drafting attorney: Mary A. Munday (202) 377-9470

Reviewing attorney: Dianna Miosi (202) 566-4070

Treasury attorney: Greg Marich (202) 566-5453

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D. C. 20224, 202 377-9470

RIN: 1545–AN30

2820. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-159-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Reviewing attorney: Steve Hooe (202) 566-3294.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AG63

2821. ● TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832

Legal Deadline: None

Abstract: Regulations postpone the effective date of rules relating to the treatment of salvage and reinsurance in the computation of the losses incurred deduction of section 832(b)(5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-076-89

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Stephen Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AO16

TREAS—IRS

Final Rule Stage

2822. THE DEFINITION OF MODIFIED ENDOWMENT CONTRACT AND THE PROPER TREATMENT OF LOANS AND OTHER DISTRIBUTIONS FROM SUCH CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7702A; Not yet determined

Legal Deadline: None

Abstract: The regulation will provide guidance regarding the proper computation of the 7-pay premium. In addition, the regulation will elaborate on the rules for treatment of materially changed contracts. The regulations will also describe any adjustments to the 7-pay premiums due to small contracts or expenses solely attributable to the collection of premiums more frequently than annually. The regulations will also develop the effective date provisions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-011-89

Drafting attorney: Barry Landau (202) 566-3458.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Barry Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AN49

2823. TEMPORARY INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/10/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-138-86.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Jeanne Hoenicke (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AI96

2824. TREATMENT OF DESIGNATED HEDGES BY RICS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 851 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules concerning the treatment of designated hedges by regulated investment companies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-092-88

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Steven R. Glickstein (202) 566-3287.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Company

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AM82

2825. REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275(c) Internal Revenue Code of 1986; 26 USC 6049(d)(7)(D)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37125
Final Action	04/02/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-22-89

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing Attorney: Thomas J. Lyden (202) 566-3287.

Treasury Attorney: Reed Schuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AN52

2826. CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in

situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49893
Hearing	05/18/89	54 FR 12238
Final Action	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-041-88

Drafting attorney: David F. Chan (202) 377-9059.

Reviewing attorney: Unassigned.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AM08

2827. ● SPECIAL RULES FOR DETERMINING SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation provides the general rule for determining the source of scholarships and fellowship grants as defined under section 117. The source of such payments is determined by the residence of the payor. A special rule is provided for payments made by a U.S. payor to a nonresident alien studying abroad. In such circumstances, the source is considered to be foreign source.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INTL-797-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN94

2828. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expense attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge agreement interest rate fluctuation.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	54 FR 31703
NPRM Comment Period End	10/02/89	54 FR 31703
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-773-87

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL25

2829. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporations.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35525
Hearing	02/21/89	54 FR 3084
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86

Drafting attorney: Christine E. Arquit (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Christine E. Arquit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AM20

2830. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986; 26 USC 956 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: These rules will relate to the treatment of income derived by foreign corporations from factoring the receivables of related persons, rules relating to certain investments in U.S. property and stock redemptions through related corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Hearing	02/09/89	53 FR 49895
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: Phyllis E. Marcus (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Phyllis E. Marcus, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AH85

2831. TRANSITION RULES FOR ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND RULES CONCERNING THE TREATMENT OF FINANCIAL ARRANGEMENTS THAT ALTER EFFECTIVE INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The interest allocation transition rules are a complex set of provisions featuring a three part phase-in scheme. Particular statutory provisions are eligible for extended relief from the generally applicable phase-in rule. The interest equivalent portion of the regulations deals with the impact of financial products on the total amount of interest expense that is subject to allocation.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	54 FR 31858
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-304-89

Drafting attorney: Christine E. Arquit (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income taxes.

Agency Contact: Christine E. Arquit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AN10

2832. TEMPORARY REGULATIONS FOR SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide temporary rules for determining the source of income from sales of personal property until final regulations may be promulgated.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-356-88

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Robert E. Culbertson (202) 377-9394.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave. NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AL78

2833. EMPLOYMENT TAXES—APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Temporary regulations providing rules enforcing the exclusion from portfolio interest of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-921-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Employment Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM29

2834. UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules regarding deductibility of expenses by a foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	54 FR 31545
Final Action	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-74-86

Drafting attorney: Richard Chewning (202) 566-3452.

Reviewing attorney: Bernard Bress (202) 566-3452.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AJ74

2835. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34120
Hearing	01/17/89	53 FR 49208
Final Action	05/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-934-86

Drafting attorney: Richard M. Elliott (202) 287-4851.

Reviewing attorney: Benedetta A. Kissel (202) 566-6442.

Treasury attorney: Ann Fisher (202) 566-4979.

13 Income taxes.

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 287-4851

RIN: 1545–AJ73

2836. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88

Drafting attorney: David A. Juster (202) 566-3452.

Reviewing attorney: Bernard T. Bress (202) 566-3452.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AL93

2837. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-48-86

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AB98

2838. NOTICE OF PROPOSED RULEMAKING—NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87

Drafting attorney: Leslie A. Cracraft (202) 566-6442.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AK79

2839. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45942
Final Action	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-942-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Peter Byrne (202) 566-4979.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AJ90

2840. 904(F) TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1203

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset the taxpayer's other foreign source income subject to a separate limitation for the taxable year on a proportionate basis before such losses offset the taxpayer's U.S. source income. Accordingly, the regulation will provide rules for the allocation of foreign source losses incurred in taxable years beginning before the effective date of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17472
Interim Final Rule	07/08/88	53 FR 17473
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-932-86

Drafting attorney: Willard W. Yates (202) 566-3452.

Reviewing attorney: Carol Doran-Klein (202) 566-3452.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, **202 566-3452**

RIN: 1545–AL17

2841. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86

Drafting attorney: Eli J. Dicker (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: David Crowe (202) 566-4791.

13 Income taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AC09

TREAS—IRS

Final Rule Stage

2842. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3083
NPRM Comment Period End	04/24/89	54 FR 3083
Final Action	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3490**

RIN: 1545–AE34

2843. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925 (b) (1) Internal Revenue Code of 1986; 26 USC 925 (b) (2) Internal Revenue Code of 1986; 26 USC 927 (d) (2) (B) Internal Revenue Code of 1986; 26 USC 927 (e) (1) to 927 (e) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard Chewning (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AI16

2844. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (d) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Final Action	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-6645**

RIN: 1545–AC10

2845. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that gives rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39001
NPRM Comment Period End	11/21/89	54 FR 39001
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-053-89

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income taxes.

Agency Contact: W. Edward Williams, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, **202 287-4851**

RIN: 1545–AM91

2846. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; and sets forth

rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-939-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Jacob Feldman (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ70

2847. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32308
NPRM Comment Period End	10/26/87	52 FR 32308
Final Action	08/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3452.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AE38

2848. SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Hearing	02/09/89	53 FR 49895
Final Action	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorneys: Peter Barnes (202) 566-5815 and Chisoon Lee (202) 566-8275.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM15

2849. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

Timetable:

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2535
Final Action	02/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-040-89

Drafting attorney: Barbara A. Felker (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Barbara A. Felker, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 202224, 202 566-6284

RIN: 1545–AM90

2850. PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 987 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32405
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-393-88

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income Taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AM13

2851. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38874
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-485-89

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AN28

2852. CHANGE IN FUNCTIONAL CURRENCY AND DEFINITION OF WEIGHTED AVERAGED EXCHANGE RATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project sets forth the adjustments that are necessary on a change in functional currency and the definition of weighted average exchange rate.

Timetable:

Action	Date	FR Cite
NPRM	09/20/89	54 FR 38694
NPRM Comment Period End	11/20/89	54 FR 38694
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-472-89

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AN53

2853. TRANSITION RULE FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act, foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20651
Final Action	06/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-964-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income Taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL29

2854. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Jacob Feldman (202) 566-6645.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AG71

2855. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-182-78.

Drafting attorney: Mark Smith (202) 566-3829.

Reviewing attorney: Al Kraft (202) 566-3297.

Agency Contact: Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3829

RIN: 1545–AC20

2856. INCOME TAX—SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
NPRM Comment Period End	11/15/88	53 FR 32899
Final Action	09/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-119-86.

Drafting attorney: Judith C. Winkler (202) 377-9665.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AJ06

2857. CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-106-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Straddles

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AM57

2858. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) (1) Internal Revenue Code of 1986; 26 USC 1092 (b) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-299-84.

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4336

RIN: 1545–AH59

TREAS—IRS

Final Rule Stage

2859. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-297-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3297

RIN: 1545–AH60

2860. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-276-76.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3292

RIN: 1545–AC35

2861. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed under a constant yield method. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, where there are contingent payments, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-189-84.

Drafting attorney: William E. Blanchard (202) 566-3142.

Reviewing attorney: Robert Scarborough (202) 566-2928.

Treasury attorney: Reed Shuldiner (202)-566-2175.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3142

RIN: 1545–AH46

2862. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1297(b)(1) Internal Revenue Code of 1986; 26 USC 1291(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6781
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Mary Bennett (202) 566-5992.

TREAS—IRS

Final Rule Stage

Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AI33

2863. INCOME TAX—DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	
Final Action	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-262-82.

Drafting Attorney: Noah S. Baer (202) 566-3622.

Reviewing Attorney: Thomas Hines (202) 566-6813.

Treasury Attorney: Robert Weaver (202) 535-6964.

Income Tax

Agency Contact: Noah S. Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3622

RIN: 1545–AE86

2864. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52190
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-260-82.

Drafting Attorney: Andrea Tucker (202) 377-9665.

Reviewing Attorney: William P. O'Shea (202) 566-3244.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9665

RIN: 1545–AE26

2865. TEMPORARY REGULATION—APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-006-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-3255.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK91

2866. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-41-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Lila A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950

L'Enfant Plaza South, SW., Suite 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545–AH86

2867. WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1441

Legal Deadline: None

Abstract: Section 864 (c) (6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3750
Final Action	12/31/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: INTL-660-89

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AN75

2868. WITHHOLDING RULES ON DISTRIBUTIONS ATTRIBUTABLE TO DISPOSITIONS OF U.S. REAL PROPERTY INTEREST BY PUBLICLY TRADED PARTNERSHIPS, TRUSTS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address withholding upon proceeds of disposition of U.S. property real interests by publicly traded partnerships, publicly traded trusts and real estate investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46688
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-088-86

Drafting attorney: John Dean (202) 377-9493.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income taxes.

Agency Contact: John Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9493**

RIN: 1545–AM50

2869. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains under what circumstances withholding is required under section 1446. It also explains the timing of withholding and how to pay over the withheld amounts to the Internal Revenue Service. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 377-9059**

RIN: 1545–AL32

2870. INCOME TAX—CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	49 FR 47870
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-97-79.

Drafting attorney: Roy Hirschhorn (202) 566-3231.

Reviewing attorney: John Broadbent (202) 566-3877.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3231**

RIN: 1545–AC48

TREAS—IRS

Final Rule Stage

2871. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would revise the method of adjusting the basis of stock under section 1.1502-32.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-15-86.

Drafting attorney: David Kessler (202) 566-3220.

Reviewing attorney: John Broadbent (202) 566-4324.

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3220

RIN: 1545–AI58

2872. TEMPORARY REGULATIONS—CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporate acquisitions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: John Broadbent (202) 343-0555.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK95

2873. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-28-88

Drafting attorney: Kenneth Cohen (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-4324.

13 Income Tax

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AL59

2874. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34779
Public Hearing Discussing the Issues Discussed in the NPRM	09/18/89	54 FR 28683
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-66-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Thomas Wessel (202) 566-8277.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AL62

2875. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-47-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Thomas Wessel (202) 566-4324.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AL63

2876. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF CERTAIN ORGANIZATIONS WHOSE TAX-EXEMPT STATUS WAS REVOKED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the Tax-Exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-67-88

Drafting attorney: Jean M. Whalen (202) 566-3422.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

Treasury attorney: J. Judge Kelley (202) 566-2175.

13 Income Tax

Agency Contact: Jean M. Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3422

RIN: 1545–AL64

2877. CONSOLIDATED INVESTMENT CREDIT RECAPTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-3(f)(2)

Legal Deadline: None

Abstract: Section 47 (a) (1) of the Internal Revenue Code and the regulations thereunder provide the general rule that if section 38 property is disposed of there shall be recapture of investment credit. Section 1.1502-3 (f) (2) provides an exception to that rule for the transfer of section 38 property between members of an affiliated group; such a transfer will not cause a disposition within the meaning of section 47 (a) (1). This exception is premised on treating the affiliated group, for investment tax credit purposes, as a single entity that continues to own the property after the transfer. Such a premise is not justified, and the exception does not apply, if at the time of the transfer there is an intent that the property subsequently leave the group in a transaction described in section 1.1502-13 (f). See Rev. Rul. 82-20, 1982-1 CB 6. In such a case, recapture is appropriate. The regulation will amend section 1.1502-3 (f) (2) to make this explicit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-88

Drafting attorney: Roy Hirschhorn (202) 566-3231.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income tax

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3231

RIN: 1545–AM35

2878. TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32 (T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events (declaration of dividend and payment of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11007
Hearing	09/18/89	54 FR 28683

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-89

Drafting Attorney: Kenneth Cohen (202) 566-4324.

Reviewing Attorney: John Broadbent (202) 566-3484.

Treasury Attorney: Tom Wessel (202) 566-8277.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 566-4324

RIN: 1545–AN12

2879. TRANSACTIONS BETWEEN MEMBERS INVOLVING COMMON NONTAXABLE EXCHANGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: Section 1.1502-13 of the Income Tax Regulations provides the general rule that the term intercompany transaction means a transaction during a consolidated return year between corporations which are members of the same group. Section 1.1502-13 (f) provides as a general rule that deferred gain attributable to a selling member will be triggered when the asset leaves the group. The regulation, in effect, does not deal with a situation where a selling member exchanges property subject to Section 1.1502-13 rules in a nontaxable exchange to an outside party. Moreover, the current regulations do not adequately cover tax free transactions between members. This proposed regulation will provide rules for certain common nontaxable exchanges within the affiliated group.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-028-89

Drafting attorney: Roy Hirschhorn (202) 566-3231.

Reviewing attorney: John Broadbent (202) 566-3877.

Treasury attorney: Tom Wessel (202) 566-8277.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3231

RIN: 1545–AN25

2880. ● MODIFICATION OF CONSOLIDATED REGULATIONS CONCERNING RESTORATION OF DEFERRED GAIN TO ADD AN INTEREST CHARGE ON DEFERRED GAIN PROPERTY SOLD OUTSIDE OF GROUP ON INSTALLMENT BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.453A; 26 CFR 1.1502

Legal Deadline: None

Abstract: Addition of an interest charge to consolidated return regulations on restoration of deferred intercompany gains when property is sold outside of affiliated group on installment basis. Regulation is needed to prevent avoidance of section 453A by an intercompany sale.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-90

Drafting attorney: Kenneth Cohen (202) 566-4324.

Reviewing attorney: Edward Cohen (202) 566-3484.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3877

RIN: 1545–AO43

2881. DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: If a United States corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a United States affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be of available to offset.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37346
NPRM Comment Period End	11/07/89	54 FR 37346
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-399-88

Drafting attorney: Sim S. Seo (202) 566-6645.

Reviewing attorney: David Bower (202) 566-6645.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AM16

2882. CROSS-REFERENCE—ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-23-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-2455

RIN: 1545–AK88

2883. ESTATE & GIFT TAXES—INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-181-76.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury Attorney: Robert Weaver (202) 535-6964.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9512

RIN: 1545–AC63

2884. ESTATE AND GIFT TAXES—INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-211-76.

Drafting Attorney: Susan Hurwitz (202) 566-5983.

Reviewing Attorney: George Masnik (202) 566-4482.

Treasury Attorney: Robert Weaver (202) 535-6959.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-5983

RIN: 1545–AC67

2885. TIMELINESS OF A DISCLAIMER OF INTEREST IN PROPERTY CREATED PRIOR TO JAN. 1, 1977

Legal Authority: 26 USC 2514 Internal Revenue Code of 1986; 26 USC 2518 Internal Revenue Code of 1986; 26 USC 2046 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25.2514-3(c); 26 CFR 20.2514-3(d); 26 CFR 20.2056(d); 26 CFR 20.2046-1; 26 CFR 25.2518-1; 26 CFR 25.2518-2

Legal Deadline: None

Abstract: The existing regulation includes the term "taxable transfers", but does not adequately explain that this term includes certain transfers that are not necessarily subject to tax.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: PS-30-89

Drafting attorney: George Masnik (202) 566-4788.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: George Masnik, Assistant to Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4788

RIN: 1545–AN27

2886. ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-128-86.

Drafting attorney: John B. Franklin (202) 535-9540.

Reviewing attorney: Fred E. Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6964.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 535-9540

RIN: 1545–AJ11

2887. EMPLOYMENT TAX—TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	10/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-23-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal J. Sheldon (202) 566-3783.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AC77

2888. INFORMATION REPORTING AND BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20% of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Hearing	06/15/89	54 FR 11236
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 566-6795.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income Taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AL99

2889. CLARIFYING AMENDMENTS TO SECTION 35A.3406-1 REGARDING BACKUP WITHHOLDING DUE TO AN INCORRECT TIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to an incorrect TIN.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 11364
Final Action	10/31/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-104-88

Drafting Attorney: Renay France (202) 566-3627.

Reviewing Attorney: John Coulter (202) 566-3928.

Treasury Attorney: Andrew Dubroff (202) 566-5453.

Employment Taxes.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AM51

2890. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES—REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AE62

2891. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance to assist diesel fuel retailers

in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6524
NPRM Comment Period End	05/02/88	53 FR 6524
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-114-86

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-5453.

Agency Contact: Frank Boland, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AJ13

2892. TAXABILITY OF CONVERTER DOLLIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145.4051

Legal Deadline: None

Abstract: The regulation will address whether converter dollies for truck semitrailers are subject to tax under section 4051 of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-59-88

Drafting attorney: Theodore Margopulos (202) 343-8555.

Reviewing attorney: Richard Kocak (202) 566-3398.

13 Excise Tax

Agency Contact: Theodore N. Margopulos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-8555

RIN: 1545–AL71

2893. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-17-86.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4077

RIN: 1545–AI51

2894. ● TAX ON OZONE DEPLETING CHEMICALS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4681 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Temporary regulations will set forth rules relating to tax on ozone-depleting chemicals.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-73-89

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4475

RIN: 1545–AO07

2895. INCOME TAX—LOBBYING BY PUBLIC CHARITIES AND PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None

Abstract: The regulations will provide rules applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures, and will also apply to lobbying expenditures by private foundations.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51826
NPRM Comment Period End	03/03/89	53 FR 51826
Hearing	04/03/89	53 FR 51826
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-154-78.

Drafting attorney: Jerome P. Walsh Skelly (202) 566-3505.

Reviewing attorney: Paul G. Accettura (202) 566-3505.

Agency Contact: Jerome P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3505

RIN: 1545–AE02

TREAS—IRS

Final Rule Stage

2896. EXCISE TAX—ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	50 FR 836
Hearing See additional information	04/16/85	50 FR 7072
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-139-87

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Judd Kelley (202) 566-8527.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section 4977 regulations will be provided exclusively in this project.

Agency Contact: Richard Pavel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3503**

RIN: 1545–AI63

2897. EXCISE TAX—EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986; 26 USC 4980A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes/Richard Wickersham (202) 566-4747/(202) 566-4621.

Treasury attorney: Paul Strella (202) 566-6958.

Agency Contact: Richard Pavel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3503**

RIN: 1545–AI81

2898. EXCISE TAX—ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-225-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Barksdale Penick (202) 566-5453.

Withdrawal notice in signature package.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4819**

RIN: 1545–AC94

2899. EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-34-82.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Windfall Profits Tax

Withdrawal notice in signature package

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4819**

RIN: 1545–AD08

2900. EXCISE TAX—PART 54—PROCEDURE AND ADMINISTRATION—PART 301 — FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86

Drafting Tax Law Specialist Vernon Carter (202) 566-3539.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3539**

RIN: 1545–AI83

2901. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-198-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3627**

RIN: 1545–AE40

2902. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34545
NPRM Comment Period End	11/07/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-156-86.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4680**

RIN: 1545–AJ98

2903. ● INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for U.S. corporations or U.S. branches that are 25-percent foreign owned as to what records are to be maintained, where these records are to be maintained and how to designate, in the case of a "related party", an agent. The regulations will also provide rules for the imposition of penalties for failure to comply with section 6038A and exemptions for reasonable cause from the imposition of the penalties.

Timetable:

Action	Date	FR Cite
Temporary Regulations	04/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-868-89

Drafting Attorney: Carol P. Tello (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, **202 377-9059**

RIN: 1545–AO09

TREAS—IRS

Final Rule Stage

2904. ● REPORTING REQUIREMENTS CONCERNING CHANGES IN CORPORATE CONTROL OR CAPITAL STRUCTURE UNDER SECTION 6043(C), I.R.C., AS AMENDED BY BY SECTION 7203(B) OF THE REVENUE RECONCILIATION ACT OF 1989

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6043(c) Internal Revenue Code of 1986; 26 USC 6652(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the project is to implement the reporting requirements under section 6043(c) to provide the Internal Revenue Service information needed in order to more effectively examine the tax consequences of certain transactions in which control of a corporation is acquired or in which the capital structure of a corporation is changed, including in particular certain transactions that might be characterized as "leveraged buy-outs."

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-90

Drafting attorney: Keith Stanley (202) 566-3618.

Reviewing attorney: Howard Staiman (202) 566-3618.

Treasury attorney: Judge Kelley (202) 566-8527.

Agency Contact: Keith Stanley, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3618

RIN: 1545–AO45

2905. INFORMATION RETURNS OF BROKER TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-201-83.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: David L. Crawford (202) 377-9590.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AG02

2906. INFORMATION RETURNS ON SALES THROUGH COD ACCOUNTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AG52

2907. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation proposed to adopt as final rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-95-86.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AJ25

TREAS—IRS

Final Rule Stage

2908. INCOME TAX—INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-130-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: David L. Crawford (202) 377-9590.

Treasury attorney: Judge Kelley (202) 566-8527.

13 Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AL06

2909. TO CLARIFY THE OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45131
NPRM Comment Period End	02/17/87	51 FR 45131
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85

Drafting attorney: Carol Nachman (202) 566-3287.

Reviewing attorney: Thomas Lyden (202) 566-3287.

Original Issue Discount Reporting Requirements of Brokers

Agency Contact: Carol Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3287

RIN: 1545–AM80

2910. ● AMEND AGGREGATION RULES FOR FILING REQUIREMENT

Significance: Agency Priority

Legal Authority: 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1(b)(1); 26 CFR 7805

Legal Deadline: None

Abstract: An amendment of the regulation is necessary as the result of a policy decision to revise Form 8300.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-041-89

Drafting Attorney: Philip Scott (202) 566-3826.

Reviewing Attorney: Vincent Cardella (202) 566-4426.

Agency Contact: Philip Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3826

RIN: 1545–AO00

2911. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-181-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: John M. Fischer (202) 566-8131.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9581

RIN: 1545–AG48

2912. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-29-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Greg Marich (202) 566-5453.

13 Income Taxes

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3637

RIN: 1545–AL38

2913. EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Notice by cross-reference to temporary regulations under section 6081 of the Code relating to extension of time to file income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7783
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-461-87

Drafting attorney: Caren S. Shein (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3452

RIN: 1545–AM06

2914. INCOME TAX-DISCLOSURE OF RETURN INFORMATION TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF COMMERCE FOR CERTAIN STATISTICAL PURPOSES AND RELATED ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would disclose to the Bureau of the Census additional tax return information needed to help them determine whether an individual who itemizes is over 65.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50243
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-42-88

Drafting attorney: Paul Winkler (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

13 Procedure and Information

Agency Contact: Paul W. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AM02

2915. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-142-84.

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Tom Luxner (202) 566-4495.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-2383

RIN: 1545–AG45

2916. TREASURY-BASED RETURN POSITIONS; FAILURE TO DISCLOSE TREATY-BASED RETURN POSITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6114 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Notice of proposed rulemaking to regulations that will provide guidance to taxpayers concerning compliance with the treaty-based return position disclosure requirements of section 6114 which was added to the code by TAMRA.

Timetable:

Action	Date	FR Cite
NPRM	09/11/89	54 FR 37478
NPRM Comment Period End	11/13/89	54 FR 37478
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-361-89

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

Income Taxes

Agency Contact: David Bergkuist, Attorney, Department of the Treasury,

TREAS—IRS

Final Rule Stage

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6442

RIN: 1545–AM87

2917. APPLICATION OF UNIFIED PARTNERSHIP AUDIT PROVISIONS OF TEFRA TO REMICS

Legal Authority: 26 USC 860G(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6221; 26 CFR 301.6222; 26 CFR 301.6223; 26 CFR 301.6224; 26 CFR 301.6225; 26 CFR 301.6226; 26 CFR 301.6227; 26 CFR 301.6228; 26 CFR 301.6229; 26 CFR 301.6230; 26 CFR 301.6231; 26 CFR 301.6232; 26 CFR 301.6233; 26 CFR 1.860F; 26 CFR 1.86OF-4T

Legal Deadline: None

Abstract: Public Law 99-514, Title VI, section 671(a) (October 22, 1986, 100 Stat. 2309) added sections 860A-860G of the Internal Revenue Code of 1986. These sections set forth the Federal income tax treatment of REMICs and of investors in REMICs, and provide that REMICs will generally be treated as partnerships. This project will apply the partnership audit provisions of sections 6221 through 6233 of the Internal Revenue Code (added by Public Law 97-248, Tax Equity and Fiscal Responsibility Act of 1982) to REMICs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-048-89

Drafting attorney: William Galanis (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Agency Contact: William Galanis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AN78

2918. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-205-82.

Drafting attorney: William Galanis (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: William Galanis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AE51

2919. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-74-86.

Drafting Attorney: William J. Gregg (202) 377-9470.

Reviewing Attorney: Dianna K. Miosi (202) 566-4070.

Treasury Attorney: Greg Marich (202) 566-2175.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AJ99

2920. ● DEFINITION OF TAX MATTERS PERSON FOR AN S CORPORATION

Legal Authority: 26 USC 6244 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide rules as to who can be designated as the Tax Matters Person for an S Corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-072-89

Drafting attorney: William J. Gregg (202) 377-9470.

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Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AO34

2921. ADMINISTRATIVE APPEAL OF THE ERRONEOUS FILING OF NOTICE OF TAX LIEN

Legal Authority: 26 USC 6326 Internal Revenue Code of 1986 PL 100-647, sec. 6238

CFR Citation: 26 CFR 1.6326

Legal Deadline: None

Abstract: Section 6238 establishes a new section 6326 of the Internal Revenue Code. New section 6326 (a) provides that the Secretary shall prescribe regulations that provide for the Administrative Appeal of the filing of Notice of Federal Tax Lien. Section 6326 (b) provides that if the Secretary determines that the service has erroneously filed a Notice of Federal Tax Lien, the Secretary must expeditiously, and to the extent practicable within fourteen days after such determination, issues a certificate that must include a statement that the filing was erroneous. The regulations, will address what issues are appealable under section 6326, to when an appeal should be made, and the procedures for appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/08/89	54 FR 19578

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-161-89

Drafting Attorney: Kevin B. Connelly (202) 535-9682.

Reviewing Attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-9682

RIN: 1545–AN07

2922. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
Temporary Regulation	11/30/85	
Temporary Regulation	05/13/87	52 FR 17949
NPRM	01/06/89	54 FR 428
Temporary Regulation	01/06/89	54 FR 400
NPRM Comment Period End	03/07/89	54 FR 428

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-291-84.

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: David Dickinson (202) 535-6964.

Treasury Attorney: Barksdale Penick (202) 566-6964.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AG95

2923. PROCEDURE AND ADMINISTRATIVE—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-72-86

Drafting attorney: Sharon L. Hall (202) 566-4430.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 566-6964.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Re enue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AK12

2924. PROCEDURE AND ADMINISTRATIONS—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

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Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 428
NPRM Comment Period End	03/07/89	54 FR 428

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-41-88

Drafting attorney: Sharon L. Hall (202) 566-4430.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 535-6964.

13 Procedure and Administration

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, **202 566-4430**

RIN: 1545–AL66

2925. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-34-87

Drafting tax law specialist: John J. McGreevy (202) 566-6302.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6302**

RIN: 1545–AK71

2926. ABATEMENT OF ANY PENALTY OR ADDITION TO TAX ATTRIBUTABLE TO ERRONEOUS WRITTEN ADVICE BY THE INTERNAL REVENUE SERVICE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986 PL 100-647 sec 6229; 26 USC 6404 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Other, Statutory, May 10, 1989.

Abstract: Regulations relating to the abatement of a portion of any penalty or addition to tax attributable to erroneous written advice furnished to a taxpayer by the I.R.S.

Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
NPRM Comment Period End	07/17/89	54 FR 21073

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-024-89

Drafting Attorney: Stephen J. Toomey (202) 566-3863.

Reviewing Attorney: William Galanko (202) 566-4104.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3863**

RIN: 1545–AN04

2927. PROCEDURE AND ADMINISTRATION REGULATIONS—EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-162-85.

Drafting tax law specialist: John J. McGreevy (202) 566-6302.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6302**

RIN: 1545–AI23

2928. PROCEDURE AND ADMINISTRATION REGULATIONS—MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-280-82.

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the

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Final Rule Stage

Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4442

RIN: 1545–AF10

2929. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Final Action	10/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-180-84.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AG75

2930. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	10/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-228-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AE37

2931. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34358
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-142-86.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AJ29

2932. ● CERTIFICATES OF COMPLIANCE WITH INCOME TAX LAWS BY DEPARTING ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6851(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will exempt certain alien students, industrial trainees, and exchange visitors from the requirement of obtaining a certificate of compliance with US income tax laws before departing the U.S. This action is necessary because of changes to the applicable tax law made by the Technical Amendments and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-735-89

Drafting attorney: Thomas L. Ralph (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 202 377-9059

RIN: 1545–AN96

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Final Rule Stage

2933. PROCEDURE AND ADMINISTRATION—PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-006-90

Drafting attorney: James Corbitt (202) 252-8000.

Agency Contact: Jim Corbitt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 252-8000

RIN: 1545–AL04

2934. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-3-85.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter J. Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AH91

2935. RECOVERY OF ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7430 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7430

Legal Deadline: None

Abstract: Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the U.S. that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: IA-3-89

Drafting attorney: Mark Ely (202) 343-2380.

Reviewing attorney: John Fischer (202) 566-8131.

Agency Contact: Mark H. Ely, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 343-2380

RIN: 1545–AN02

2936. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	11/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-406-71

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal E. Sheldon (202) 566-3783.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3627

RIN: 1545–AD42

2937. PROCEDURE AND ADMINISTRATION REGULATIONS—REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to state and local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributed to recovery of taxes on illegal drug related activities.

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Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-6-89

Drafting tax law specialist: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Procedure and Administration

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4442**

RIN: 1545–AN00

2938. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-221-83.

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William Coppersmith (202) 566-3336.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3828**

RIN: 1545–AF77

2939. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	06/15/88	53 FR 4858
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-55-86

Drafting attorney: David A. Juster (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income taxes.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AH13

2940. ● REASONABLE MORTALITY CHARGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: None

Legal Deadline: NPRM, Statutory, December 31, 1989.

Abstract: Provide rules relating to the required use of reasonable mortality charges in determining whether a contract qualifies as a life insurance contract for purposes of the code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-069-89

Drafting Attorney: Donald J. Drees, Jr. (202) 566-3740.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Treasury Attorney: Jeanne Hoenicke (202) 566-5453.

Agency Contact: Donald J. Drees, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3740**

RIN: 1545–AO12

2941. ● CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS—TRANSITION PROVISIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7704-2T; 26 CFR 301.7704-2T

Legal Deadline: None

Abstract: This regulation defines the phrases "Existing Partnership" and "Substantial New line of Business" in the transition rule applicable to section 7704 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-056-89

Drafting Attorney: Robert Stoddart (202) 566-4751.

Reviewing Attorney: William P. O'Shea (202) 566-3244.

Treasury Attorney: S. Barksdale Penick (202) 566-5453.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AN92

2942. ● WHEN A PRINCIPAL ACTIVITY OF A PARTNERSHIP IS THE BUYING AND SELLING OF COMMODITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7704(c)(3); 26 CFR 301.7704(c)(3)

Legal Deadline: None

Abstract: This regulation will explain when buying and selling commodities constitutes "a principal activity" of a partnership within the meaning of 26 USC 7704(c)(3).

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-002-90

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4751

RIN: 1545–AO39

2943. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AI21

2944. 50 PERCENT EXCISE TAX ON ANY GAIN REALIZED BY A PERSON WHO RECEIVES "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 155, (New); 26 CFR 602

Legal Deadline: None

Abstract: Temporary regulations relating to the manner and method of reporting and paying the nondeductible 50 percent Excise Tax imposed with respect to the receipt of "Greenmail".

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-7-88

Drafting attorney: Warren Joseph (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-3889.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Excise Taxes

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AL47

2945. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5h.6

Legal Deadline: None

Abstract: This document contains regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39002
NPRM Comment Period End	11/21/89	54 FR 39002

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-9-89

Drafting attorney: Grace Matuszeski (202) 566-4430.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AN03

2946. TAXPAYER ASSISTANCE ORDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986 PL 100-647, Sec. 6230

CFR Citation: 26 CFR 301.7811

Legal Deadline: Final, Statutory, February 8, 1992.
Temporary regulation published as TD 8246 effective February 8, 1989, must be published as final regulations within three years.

TREAS—IRS

Final Rule Stage

Abstract: PL 100-647, section 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that a taxpayer is or is about to suffer a significant hardship as the result of how the internal revenue laws are being administered by the service. The temporary regulations discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the supervision of applicable periods of limitation.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11744

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-075-89

Drafting Attorney: Joseph W. Clark (202) 566-4574.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Joseph W. Clark, Technical Assistant to ACC, (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-4574**

RIN: 1545–AN14

2947. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	50 FR 46460

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-165-84.

Drafting attorney: David B. Silber (202) 566-3432.

Reviewing attorney: William Coppersmith (202) 566-3666.

Agency Contact: David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3432**

RIN: 1545–AH72

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Completed Actions

2948. TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuing the bonuses.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-79-86

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AK02

2949. ● SECTION 702 OF THE FAMILY SUPPORT ACT OF 1988

Legal Authority: 26 USC 62(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.62

Legal Deadline: None

Abstract: The regulations provide guidance regarding the taxation of and reporting and withholding on payments with respect to employee business expenses under a reimbursement or other expense allowance arrangement.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8276	12/12/89	54 FR 51021

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-008-89

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Judd Kelley (202) 566-8527.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3503

RIN: 1545–AN98

2950. ● TREATMENT OF PAYMENTS RECEIVED UNDER A SO-CALLED "SPLIT ANNUITY" ARRANGEMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: None

Legal Deadline: None

Abstract: Regulation would require the aggregation of an immediate annuity contract and a deferred annuity contract if excess interest may be credited to the deferred annuity contract and there has been an insufficient amortization of the investment in the contracts.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/04/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Drafting Attorney: Donald J. Drees, Jr. (202) 566-3740.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Treasury Attorney: Jeanne Hoenicke (202) 566-5453.

FI-058-89.

Agency Contact: Donald J. Drees, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3740

RIN: 1545–AO13

2951. EXTENSION OF SECTION 79 UNIFORM PREMIUM TABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations extend the present uniform premium table for employees over 65 years of age.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8273	11/20/89	54 FR 47978
Final Action Effective	01/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-89-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4465

RIN: 1545–AM96

2952. INCOME TAX REGULATIONS—MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/23/86	
NPRM	09/21/87	52 FR 35447
Final Action T.D. 8272	11/20/89	54 FR 47979

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-135-86

Drafting attorney: Barry S. Landau (202) 566-3458.

Reviewing attorney: William T. Sullivan (202) 566-3458.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Barry S. Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AK14

2953. INCOME TAX—PART 1—INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-303-84.

Drafting Attorney: Karin G. Gross (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-4430.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AH17

2954. ARBITRAGE RESTRICTIONS ON QUALIFIED STUDENT LOAN BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on how to compute yield on student loans.

Timetable:

Action	Date	FR Cite
NPRM	07/05/89	54 FR 28075
NPRM Comment Period End	11/15/89	
Public Hearing	12/13/89	54 FR 37947
Final Action T.D. 8284	01/25/90	55 FR 2511

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-80-86.

Drafting attorney: George F. Delduke (202) 566-3347.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Gregory F. Jenner (202) 566-5911.

Agency Contact: George F. Delduke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ42

2955. GENERAL REVISION OF ARBITRAGE REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding the arbitrage restrictions for tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-48-88

Drafting attorney: George Kelley (202) 566-3283.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: George P. Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3283

RIN: 1545–AL90

2956. ● YIELD ADJUSTMENT PAYMENT RULES FOR QUALIFIED STUDENT LOAN BONDS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.148-10T

Legal Deadline: None

Abstract: Procedures and methodology for computing and making yield adjustment payments to the United States with respect to arbitrage earned on qualified student loan bonds.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8285	01/25/90	55 FR 2512

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-075-89

Drafting attorney: David A. Walton (202) 566-3723.

Drafting attorney: David A. Walton (202) 566-3723.

Treasury attorney: Greg Jenner (202) 566-5911.

Agency Contact: David Walton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3723

RIN: 1545–AO18

2957. INCOME TAX—TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/19/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-231-84.

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4430

RIN: 1545–AI09

2958. CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/06/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-56-78

Drafting attorney: John Tolleris (202) 566-3060.

Reviewing attorney: Michael Garvey (202) 566-3251.

Agency Contact: John Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-3060

RIN: 1545–AI92

2959. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19390
NPRM Comment Period End	07/05/89	
Closed without regulations Transferred to EBEO Division	11/14/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-217-84.

Drafting attorney: Stuart Wessler (202) 566-6016.

Reviewing attorney: Sharon Galm (202) 566-4741.

Treasury attorney: Don Rocap (202) 566-5911.

Income Tax

Agency Contact: Robert Misner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-4752**

RIN: 1545–AH49

2960. CERTAIN CORPORATE DISTRIBUTIONS TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Whether gain should be recognized under section 367 (e) (1) and (2) on the distribution of stock, securities or other property.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8280	01/16/90	55 FR 1406

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-752-87

Drafting attorney: Charles P. Besecky (202) 566-6442.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-5791.

13 Income taxes.

Agency Contact: Charles P. Besecky, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AL34

2961. INCOME TAX—LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain and illustrate the limitations provided under section 382 of the Internal Revenue Code of 1986 on a corporation's use of net operating loss carryovers.

Timetable:

Action	Date	FR Cite
Closed Without Regulations	10/26/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-103-86.

Drafting Attorney: Keith Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3280.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3367**

RIN: 1545–AI99

2962. AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 0382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project is to amend the Temporary regulations under section 382 of the Internal Revenue Code to grant the Internal Revenue Service the authority to designate in the Internal Revenue Bulletin additional options to be excepted from the attribution rules of section 1.382-2T(h)(4)(i).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8277	12/27/89	54 FR 52935

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-010-89

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3280.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, **202 566-3367**

RIN: 1545–AN22

2963. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the

special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8266	09/20/89	54 FR 38664

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3205

RIN: 1545–AK28

2964. INCOME TAX—INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/20/80	54 FR 46374
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action T.D. 8269	11/03/89	54 FR 46374

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-146-81.

Drafting attorney: Benjamin P. Foster (202) 343-0328.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-0328

RIN: 1545–AB47

2965. INCOME TAX REGULATIONS—PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/54	54 FR 46375
NPRM	07/28/86	51 FR 26903
NPRM Comment Period End	09/26/86	51 FR 26903
Final Action T.D. 8270	11/03/89	54 FR 46375

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-141-83.

Drafting attorney: Benjamin P. Foster (202) 343-0328.

Office of Tax Legislative Counsel reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 343-0328

RIN: 1545–AF71

2966. AMENDMENTS TO TEMPORARY REGULATIONS UNDER SECTIONS 752 AND 704(B) ISSUED 12/29/88

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These amendments make certain clarifying and corrective changes to the temporary regulations issued 12/29/88 (RIN 1545-AH26) relating to the treatment of partnership liabilities and the allocation of deductions attributable to nonrecourse debt.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8274	11/21/89	54 FR 48090

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-018-89

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2175.

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 377-9470

RIN: 1545–AN29

2967. MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action T.D. 8278	12/26/89	54 FR 52933

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-71-86.

Drafting Attorney: Donald J. Drees (202) 566-3740.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Agency Contact: Donald J. Drees, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, 202 566-3740

RIN: 1545–AK04

2968. TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832-4T

Legal Deadline: None

Abstract: Regulations will provide rules relating to the proper treatment of salvage and reinsurance recoverable in the computation of the losses incurred deduction of Section 832(b)(5).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8266	09/22/89	54 FR 38969

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-043-89

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AN67

2969. TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832-4T

Legal Deadline: None

Abstract: Regulations will provide rules relating to the proper treatment of salvage and reinsurance recoverable in the computation of the losses incurred deduction of section 832(b)(5).

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39000
NPRM Comment Period End	11/21/89	54 FR 39000
Closed without regulations	01/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-042-89

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3294

RIN: 1545–AN68

2970. TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b)(3) Internal Revenue Code of 1986; 26 USC 852 (b)(8) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8287	01/31/90	55 FR 3211

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-86-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3828

RIN: 1545–AM56

2971. INCOME TAX—REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS AND OTHER ADMINISTRATIVE MATTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275(c) Internal Revenue Code of 1986; 26 USC 6049(d)(7)(D) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8259	09/07/89	54 FR 37098

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-8-89

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Income Tax

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3458

RIN: 1545–AM99

2972. APPORTIONMENT OF EXPENSES IN THE FSC AND DISC CONTEXTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide guidance on how expenses in the DISC and FSC contexts will be apportioned.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17473
Final Action T.D. 8286	01/30/90	55 FR 3051

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-028-86

Drafting attorney: Richard Chewning (202) 566-3452.

Reviewing attorney: Carol Doran Klein (202) 566-3452.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, **202 566-3452**

RIN: 1545–AK78

2973. SOURCE OF GROSS INCOME ATTRIBUTABLE TO CERTAIN FINANCIAL PRODUCTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will clarify the source of gross income from certain financial products.

Timetable:

Action	Date	FR Cite
Closed without regulations	08/09/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-190-89

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6284.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AN35

2974. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expenses attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge against interest rate fluctuation.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8258	08/01/89	54 FR 31672

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-987-86

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6284**

RIN: 1545–AL26

2975. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8268	09/22/89	54 FR 38970

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-955-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Washington, DC 20024, **202 287-4851**

RIN: 1545–AL81

2976. ● EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary regulations will provide rules for making tax accounting elections in computing earnings and profits of controlled foreign corporations in taxable years beginning after December 31, 1986.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8283	01/25/90	55 FR 2515

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-589-89

Drafting Attorney: Barbara A. Felker (202) 566-6284.

Reviewing Attorney: Robert A. Katcher (202) 566-6795.

Treasury Attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Barbara A. Felker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AN79

2977. FUNCTIONAL CURRENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules for determining the currency an entity will compute gain or loss. If the entity is a foreign entity, it may be allowed to compute its gain or loss in a foreign currency and translate the net amount of such gain or loss into U.S. dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20337
Final Action T.D. 8263	09/20/89	54 FR 38649

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-962-86

Drafting attorney: Carol E. Murphy (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL24

2978. SECTION 988(D) - INTEGRATED HEDGING RULES FOR FOREIGN EXCHANGE GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules regarding fully hedged and partially hedged nonfunctional currency denominated transactions.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-966-86

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL15

2979. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8265	09/21/89	54 FR 38816

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-936-86

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6284

RIN: 1545–AL16

2980. DEFINITION OF A QUALIFIED BUSINESS UNIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Certain foreign operations of a United States person or foreign corporation may have a functional currency other than the United States dollar if such operations satisfy the requirements for a qualified business unit.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20650
Final Action T.D. 8279	01/04/90	55 FR 283

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-983-86

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6795

RIN: 1545–AM31

2981. CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they

claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33427
NPRM Comment Period End	11/02/87	52 FR 33427
Final Action T.D. 8260	09/08/89	54 FR 37310

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-960-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ92

2982. ● THE TREATMENT OF PRICE LEVEL ADJUSTMENT MORTGAGES UNDER THE ORIGINAL ISSUE DISCOUNT PROVISIONS OF THE CODE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986; 26 USC 163(h) Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules concerning the treatment of a price level adjusted mortgage under the provisions of the Code concerning original issue discount and qualified residence interest. The regulations also clarify the meaning of the term "interest" for purposes of information reporting for mortgage interest.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8281	01/09/90	55 FR 729

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-064-89

Drafting attorney: William E. Blanchard (202) 566-3142.

Reviewing attorney: Daniel P. Breen (202) 566-3394.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-3142

RIN: 1545–AN99

2983. WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1441

Legal Deadline: None

Abstract: Section 864 (c) (6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8288	02/05/90	55 FR 3716
Temporary Regulation	12/31/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: INTL-587-89

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 377-9059

RIN: 1545–AN74

2984. DUAL RESIDENT COMPANIES—LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation. Regulations may exempt a U.S. corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8261	09/08/89	54 FR 37314

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-961-86

Drafting attorney: Sim S. Seo (202) 566-6645.

Reviewing attorney: David Bower (202) 566-6645.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-6645

RIN: 1545–AJ54

2985. ● ELECTION OF REDUCED RESEARCH CREDIT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280C (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.280C-4

Legal Deadline: Other, Statutory, March 4, 1990.
Certain taxpayers are required by statute to make an election prior to March 4, 1990.

Abstract: The regulation provides the manner of making the election under section 280C(c) of the Internal Revenue Code of 1986. The regulation provides a special rule for taxpayers who are required by section 7814(c) of the Revenue Reconciliation Act of 1989 (the 1989 Act) to make the election under section 280C(c) prior to March 4, 1990. The regulation also provides a special rule for taxpayers who made an election under section 41(h) prior to its repeal by the 1989 Act.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8282	01/24/90	55 FR 2374

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-074-89

Drafting attorney: David S. Hudson (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn J. Brody (202) 566-4902.

Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202 566-4821

RIN: 1545–AO23

2986. EMPLOYMENT TAX—WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6047 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
Closed without regulations - project merged into EE-29-88 (RIN 1545-AL54)	12/06/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-115-82.

Drafting attorney: Gregory Stull (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Gregory Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, 202 566-4747

RIN: 1545–AE98

2987. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

Timetable:

Action	Date	FR Cite
Final Action Closed without regulations	01/08/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-958-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AJ56

2988. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28669
NPRM Comment Period End	08/29/88	
Final Action T.D. 8275	12/06/89	54 FR 50367

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: IA-133-86

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3280.

Treasury Attorney: Judge J. Kelley (202) 566-8527.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-3367**

RIN: 1545–AJ05

2989. DISCLOSURE OF INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (n) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These amendments to the regulations allow the Tax Division Department of Justice, to make Disclosures to third parties in connection with the Procurement of Litigation Support Services that are necessary for the effective Litigation of Tax Administration cases.

Timetable:

Action	Date	FR Cite
NPRM	01/03/89	54 FR 39
Final Action T.D. 8271	11/03/89	54 FR 46382
Final Action Effective	11/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: D-1398-88

Drafting attorney: James N. Beyer (202) 566-3074.

Reviewing attorney: Margo L. Stevens (202) 566-3074.

Agency Contact: James Beyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., CC:D Room 3564, Washington, DC 20224, **202 566-3074**

RIN: 1545–AN01

2990. IDENTIFYING NUMBERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6109 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6109-1(c), (Revision)

Legal Deadline: None

Abstract: Amend regulations to delete requirement that payor sign affidavit on transmittal for information returns regarding solicitation of payee taxpayer identification numbers.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/05/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-90-88

Drafting Attorney: Margaret A. Owens (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-4430.

Procedure and Administration

Agency Contact: Margaret A. Owens, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AM44

2991. TREATY-BASED RETURN POSITIONS; FAILURE TO DISCLOSE TREATY-BASED RETURN POSITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6114 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 510; 26 CFR 515; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers concerning compliance with the treaty-base return position disclosure requirements of section 6114 which was added to the Code by TAMRA.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8262	09/11/89	54 FR 37451

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-103-89

Drafting attorney: David Bergkuist (202) 566-6442.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-6442**

RIN: 1545–AN43

2992. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 168 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986; 26 USC 835 Internal Revenue Code of 1986; 25 USC 219 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 936 Internal Revenue Code of 1986; 26 USC 1296 Internal Revenue Code of 1986; ...

CFR Citation: 26 CFR 5.6(h)

Legal Deadline: None

Abstract: This document contains temporary regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8267	09/22/89	54 FR 38979

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-096-88

Drafting attorney: Grace Matuszeski (202) 566-4430.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, **202 566-4430**

RIN: 1545–AM76

[FR Doc. 90-6984 Filed 04-20-90; 8:45 am]

BILLING CODE 4830-01-T

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Office of Thrift Supervision

12 CFR Ch. V

[No. 90-369]

Agenda of Federal Regulations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Publication of agenda items.

SUMMARY: The Office of Thrift Supervision (Office) is hereby publishing items for the April Unified Agenda of Federal Regulations.

In addition to the agenda items listed, the Office has recodified its regulations in 12 CFR chapter V to reflect that the authority to regulate thrift institutions was transferred from the Federal Home Loan Bank Board (Bank Board) to the Office pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. No. 101-73, 103 Stat. 183, signed into law on August 9, 1989; 54 FR 49411 (November 30, 1989).

ADDRESS: Information Services Division, Office of Communications, Office of Thrift Supervision, 801 17th Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: February 16, 1990.
By the Office of Thrift Supervision.

M. Danny Wall,

Director.

Office of Thrift Supervision—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2993	12 CFR 563g Sales of Securities at Savings Association Offices	1550-AA09
2994	12 CFR 567 Marginal Capital Calculation	1550-AA12

Office of Thrift Supervision—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2995	12 CFR 567 Required Capital Levels for Savings Associations; Regulatory Intervention	1550-AA02
2996	12 CFR 500 et seq Mutual Savings and Loan Holding Companies	1550-AA03
2997	12 CFR 563 Bonds for Directors, Officers, Employees, and Agents; Form and Amount of Bonds	1550-AA05
2998	12 CFR 564 Appraisals	1550-AA24

Office of Thrift Supervision—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2999	12 CFR 567 Regulatory Capital Requirements for Savings Associations	1550-AA01
3000	12 CFR 516 Drug-Free Workplace Requirements	1550-AA04
3001	12 CFR 502 Assessments and Fees	1550-AA07
3002	12 CFR 500 Miscellaneous Conforming and Technical Amendments	1550-AA13
3003	12 CFR 563 Capital Distributions by Savings Associations	1550-AA14
3004	12 CFR 502 Assessments	1550-AA16

Office of Thrift Supervision—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3005	12 CFR 584.3 Transactions With Affiliates	1550-AA00
3006	12 CFR 545 Agency Offices	1550-AA06
3007	12 CFR 528 Nondiscrimination	1550-AA08
3008	12 CFR 563d Securities Filings of Savings Associations	1550-AA11
3009	12 CFR 567 Divestiture of Control of Certain Savings Associations	1550-AA15
3010	12 CFR 571 Applications Processing Guidelines	1550-AA21

TREAS—OTS

Office of Thrift Supervision—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3011	12 CFR 563 Equity-Risk Investments	1550-AA22
3012	12 CFR 571 Investment Portfolio Policy and Accounting Guidelines	1550-AA23

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Prerule Stage

2993. ● SALES OF SECURITIES AT SAVINGS ASSOCIATION OFFICES

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464; 15 USC 78c(b); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

CFR Citation: 12 CFR 563g

Legal Deadline: None

Abstract: The Office has taken under consideration the adoption of an interim final rule concerning the permissibility of the sale of securities at the offices of a savings association.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paul D. Glenn, Senior Counsel, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6203

RIN: 1550–AA09

2994. ● MARGINAL CAPITAL CALCULATION

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract:

The Office has taken under consideration the adoption of a proposed rule to amend its current risk-based capital standard to provide an optional method for calculation of certain mortgage related risk-weighted assets.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Fishman, Senior Policy Analyst, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 801 17th Street, NW., Washington, DC 20006, 202 331-4592

RIN: 1550–AA12

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Proposed Rule Stage

2995. REQUIRED CAPITAL LEVELS FOR SAVINGS ASSOCIATIONS; REGULATORY INTERVENTION

Significance: Regulatory Program

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The Office is addressing whether to amend the minimum regulatory capital regulations for savings associations to add specific language defining a particular level of capital as an "unsafe and unsound condition to transact business including having substantially insufficient capital" for the purpose of activating the Office's statutory authority to appoint a conservator or receiver. The advance notice of proposed rulemaking would set the floor capital requirements at a level of 1.5 percent of total assets, to be held in the form of core equity capital. The Office is currently developing a notice of proposed rulemaking in this area which would also define "insolvency".

Timetable:

Action	Date	FR Cite
ANPRM	01/10/89	54 FR 826
ANPRM Comment Period End	02/09/89	54 FR 826

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA75

Agency Contact: Nancy Weissman, Attorney, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7293

RIN: 1550–AA02

TREAS—OTS **Proposed Rule Stage**

2996. MUTUAL SAVINGS AND LOAN HOLDING COMPANIES

Significance: Agency Priority

Legal Authority: 12 USC 1467a

CFR Citation: 12 CFR 500 et seq

Legal Deadline: None

Abstract: The Office is reviewing issues to be addressed through the implementation of the mutual holding company provisions of the Home Owners' Loan Act. The provisions permit any savings association to reorganize to form a holding company by chartering an interim savings association whose stock is wholly-owned by the mutual association and transferring substantially all of the mutual association's assets and liabilities (including all insured liabilities) to the interim savings association.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/88	53 FR 41343
ANPRM Comment Period End	12/05/88	53 FR 44436

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA77

Agency Contact: Jeff Miner, Senior Counsel for Issues Analysis, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7546

RIN: 1550–AA03

2997. BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS; FORM AND AMOUNT OF BONDS

Significance: Agency Priority

Legal Authority: 12 USC 1462 et seq; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The Bank Board, as predecessor to the Office, adopted amendments to 12 CFR 563.19 which modified the schedule for calculating the permissible deductible for fidelity bonds and sought comment on whether additional, more substantive revisions to the fidelity bond regulations for all savings associations are necessary.

Among the revisions under consideration are changes to The American Surety Association Form No. 22 Blanket Bond, and to the amount of the bond required.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/89	54 FR 25127
ANPRM Comment Period End	07/13/89	54 FR 25127

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA92

Agency Contact: Cindy L. Hausch, Financial Analyst, Corporate Activities, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7488

RIN: 1550–AA05

2998. ● APPRAISALS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828

CFR Citation: 12 CFR 564

Legal Deadline: None

Abstract: The Office has adopted a proposal which would implement Title XI of FIRREA. It would afford protection for federal financial and public policy interests in real estate related transactions by requiring real estate appraisals used in connection with federally related transactions to be in writing, in accordance with uniform standards, by appraisers whose competency has been proven and whose professional conduct would be effectively supervised. The proposal would be applicable to all federally related transactions entered into by the Office and by Federal savings associations, state-chartered savings associations, savings and loan holding companies, and their subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/15/90	55 FR 5464
NPRM Comment Period End	04/16/90	55 FR 5464

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ellen Sazzman, Staff Attorney, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7133

RIN: 1550–AA24

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Final Rule Stage

2999. REGULATORY CAPITAL REQUIREMENTS FOR SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract:

The Office adopted an interim rule amending its regulations concerning minimum capital requirements for all savings associations as required by FIRREA. One purpose of the rule is to ensure that savings associations engaging in higher risk activities are adequately capitalized. The rule includes requirements for minimum levels of tangible, core, and total capital.

In connection with this rule, the Bank Board as predecessor to the Office proposed a description of methodologies to be used in calculating the interest-rate risk component of the rule in the form of an advance supplemental notice of proposed rulemaking. The Office is currently formulating a notice of proposed rulemaking in this area.

TREAS—OTS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51800
Advance Supplemental NPRM Interest-Rate-Risk	07/03/89	54 FR 27885
NPRM Comment Period End	09/22/89	54 FR 37944
Interim Final Rule	11/08/89	54 FR 46845

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA73

Agency Contact: Robert Fishman, Senior Policy Analyst, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 801 17th Street, NW., Washington, DC 20006, 202 331-4592

RIN: 1550–AA01

3000. DRUG-FREE WORKPLACE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1437(a)

CFR Citation: 12 CFR 516; 12 CFR 516.305; 12 CFR 516.320

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: As predecessor to the Office, the Bank Board implemented the Drug-Free Workplace Act of 1988 (Pub. L.100-690, Title V, Subtitle D). The Act requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4946

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA85

Agency Contact: Caroline Morris, Attorney, General Law Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6431

RIN: 1550–AA04

3001. ● ASSESSMENTS AND FEES

Significance: Agency Priority

Legal Authority: 12 USC 1467

CFR Citation: 12 CFR 502

Legal Deadline: None

Abstract: The Office has adopted an interim final regulation allowing it to assess fees from savings associations in order to cover the cost of examinations and otherwise fund expenses until a permanent mechanism can be established. See also RIN 1550-AA16.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/29/89	54 FR 39983

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy Ledbetter, Staff Attorney, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 102 906-6455

RIN: 1550–AA07

3002. ● MISCELLANEOUS CONFORMING AND TECHNICAL AMENDMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 2901 et seq; 12 USC 1735f-1; 12 USC 3201 et seq; 12 USC 3806; 15 USC 78c; 15 USC 78l to 78n; 15 USC 78w; 42 USC 4106

CFR Citation: 12 CFR 500; 12 CFR 543; 12 CFR 544; 12 CFR 545; 12 CFR 546; 12 CFR 550; 12 CFR 552; 12 CFR 563; 12 CFR 563b; 12 CFR 563f; 12 CFR 567; 12 CFR 574; 12 CFR 584

Legal Deadline: None

Abstract: The Office has taken under consideration the adoption of a final rule to standardize most filing procedures for applications requiring action by the Office in Washington, the Office's Washington staff, or by a District Office.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cindy Hausch, Financial Analyst, Corporate Activities, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7488

RIN: 1550–AA13

3003. ● CAPITAL DISTRIBUTIONS BY SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 15 USC 78c; 15 USC 78l to 78n; 15 USC 78w; 42 USC 4106

CFR Citation: 12 CFR 563; 12 CFR 563b

Legal Deadline: None

Abstract: The Bank Board proposed a rule which would implement a uniform regulatory approach to capital distributions such as dividends, stock repurchases, and cash-out mergers using a tiered approach tied to whether a savings association meets its capital requirements. Those meeting such requirements would be given greater flexibility to engage in capital distributing activities.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33926
NPRM Comment Period End	10/16/89	54 FR 33926

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Connolly, Assistant Chief Counsel for Capital Markets, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6465

RIN: 1550–AA14

3004. ● ASSESSMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1467; 12 USC 1467a; 12 USC 1464; 15 USC 78c(b); 15 USC 78l to 78n; 12 USC 78w; 12 USC 78d-1

CFR Citation: 12 CFR 502; 12 CFR 563d

Legal Deadline: None

TREAS—OTS

Final Rule Stage

Abstract: The Office has adopted a notice of proposed rulemaking which would permit it to assess fees to cover the costs of examinations of institutions under its jurisdiction. The proposal sets forth the rates of such fees and how the Office will determine appropriate examination and application fees. This proposed method of funding would replace the funding mechanism of the Office's predecessor, the Federal Home Loan Bank Board, pursuant to FIRREA.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6274
NPRM Comment Period End	03/26/90	55 FR 6274

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy Ledbetter, Staff Attorney, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6455

RIN: 1550–AA16

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Completed Actions

3005. TRANSACTIONS WITH AFFILIATES

Significance: Agency Priority

Legal Authority: 12 USC 1468

CFR Citation: 12 CFR 584.3

Legal Deadline: None

Abstract: The Bank Board proposed amendments to its regulations pertaining to transactions between institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and affiliates of those institutions. The proposed amendments (1) define and clarify the applicability of the limitations and prohibitions specified in sections 23A and 23B of the Federal Reserve Act and (2) clarify the applicability of the limitations and prohibitions specified in the Board's regulations existing prior to the Competitive Equality Banking Act (CEBA). The proposed amendments were intended to further the Congressional intent codified in CEBA by providing parity between a bank and a thrift holding company with respect to the treatment of transactions between the subsidiary depository institution and its affiliates engaged in activities permissible for a bank holding company under the Bank Holding Company Act and the regulations thereunder.

As successor to the Bank Board, the Office inherited all of its outstanding proposals including these proposed amendments. The Office extended its period of consideration for the proposal

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21838
NPRM Comment Period End	08/09/88	53 FR 21838
Period of consideration elapsed	10/08/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: until sixty days from the date of enactment of FIRREA. Such period of consideration elapsed on October 8, 1989.

Formerly reported under FHLBB RIN 3068-AA65

Agency Contact: Paul Glenn, Senior Counsel, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington DC 20552, 202 906-6203

RIN: 1550–AA00

3006. AGENCY OFFICES

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 545

Legal Deadline: None

Abstract: The Office has revised its regulations in order to remove the restriction prohibiting Federal institutions from establishing agency offices to originate and service mortgage loans outside of the state where the institution's home office is located or states where any of the institution's branches are located. The regulation requires written notification of agency openings and closings.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	54 FR 30555
NPRM Comment Period End	09/13/89	54 FR 30555
Final Action	12/08/89	54 FR 50613
Final Action Effective	01/08/90	54 FR 50613

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AB01

Agency Contact: Cindy Hausch, Financial Analyst, Corporate Activities, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7488

RIN: 1550–AA06

3007. ● NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 2801 et seq; 12 USC 2901 et seq; 15 USC 1691; 42 USC 1981; 42 USC 1982; 42 USC 3601 to 3619

CFR Citation: 12 CFR 528

Legal Deadline: None

Abstract: The Office has amended its regulations governing nondiscrimination to comply with changes to the Home Mortgage Disclosure Act mandated by FIRREA and implemented by amendments to Regulation C adopted by the Federal Reserve Board on December 11, 1989. 54 FR 51356 (Dec. 15, 1989). Such amendments are intended to reduce the existing burden on savings associations while retaining effective enforcement capabilities.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/90	55 FR 1386
Final Action	01/16/90	55 FR 1386

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gilda Morse, Director, Consumer Affairs, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6238

RIN: 1550–AA08

3008. ● SECURITIES FILINGS OF SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464; 15 USC 78c(b); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w; 15 USC 78d-1

CFR Citation: 12 CFR 563d

Legal Deadline: None

Abstract: The Office adopted a final rule to amend its regulations to require that one copy of all reports filed with the Office under the Securities Exchange Act of 1934, by an association or any other entity, also be filed with the appropriate District Office for the association to which the filings relate.

Timetable:

Action	Date	FR Cite
Final Action	01/30/90	55 FR 3040
Final Action Effective	03/01/90	55 FR 3040

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Diane Fera Petruso, Program Analyst, Corp. & Securities Div., Offc. of Chief Cnsl, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7059

RIN: 1550–AA11

3009. ● DIVESTITURE OF CONTROL OF CERTAIN SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The Office has adopted a final rule requiring that parties that control a savings association and are subject to a capital maintenance obligation give notice to the Office prior to divesting control of such savings association and, in cases in which the capital maintenance obligation requires the infusion of capital into the savings association, prohibiting divestiture until the party infuses into the savings association any amount necessary to remedy a deficiency or agrees to do so, and ensures payment of such deficiency.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33923
NPRM Comment Period End	09/18/89	54 FR 33923
Final Action	03/02/90	55 FR 7475
Final Action Effective	04/02/90	55 FR 7475

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kevin A. Corcoran, Associate Chief Counsel for Business, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6962

RIN: 1550–AA15

3010. ● APPLICATIONS PROCESSING GUIDELINES

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1437; 12 USC 1464; 12 USC 1725; 12 USC 1728 to 1730

CFR Citation: 12 CFR 571

Legal Deadline: None

Abstract: The Bank Board, as predecessor to the Office, adopted a revised policy statement setting forth guidelines concerning the processing of applications filed with the Bank Board and the Federal Savings & Loan Insurance Corporation to make technical amendments streamlining and updating the applications process, clarifying procedures, and conforming guidelines to then current Bank Board practice.

Timetable:

Action	Date	FR Cite
Final Action	08/24/89	54 FR 35165
Final Action Effective	08/24/89	54 FR 35165

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jacqueline Lussier, Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6575

RIN: 1550–AA21

3011. ● EQUITY-RISK INVESTMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The Office has delayed the sunset date of its equity-risk investment regulation from October 13, 1989 until July 13, 1990 to ensure that any equity-risk investments receive careful scrutiny while the Office and the Federal Deposit Insurance Corporation each review their separate but related new statutory responsibilities in this area pursuant to FIRREA.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/13/89	54 FR 47510
Final Action	11/15/89	54 FR 47510

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary J. Hoyle, Paralegal Specialist, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-7135

RIN: 1550–AA22

3012. ● INVESTMENT PORTFOLIO POLICY AND ACCOUNTING GUIDELINES

Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464

CFR Citation: 12 CFR 571

Legal Deadline: None

Abstract: The Office's regulation on investment portfolio policy and accounting guidelines which was scheduled to go into effect on August 30, 1989 was delayed until January 1, 1990 so that the Federal Financial Institutions Examination Council could convene a task force to develop a joint statement of policy that clarifies Generally Accepted Accounting Principles for investment portfolios of financial institutions.

The Office further delayed the effective date until April 1, 1990 to allow additional time for consistent standards to be developed by federal banking agencies pursuant to the mandate of Title XII, section 1215 of FIRREA.

Timetable:

Action	Date	FR Cite
Final Action (See also 54 FR 35452; 8/28/89)	01/02/90	55 FR 126
Final Action Effective	01/02/90	55 FR 126

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary Jeffers, Staff Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, 202 906-6457

RIN: 1550–AA23

[FR Doc. 90-6983 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XVI

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Department of Veterans Affairs.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs will have under review, development, or revision during the 12-month period from April 1990 to April 1991. The purpose in publishing the Department's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual Department contact listed for each regulation or by writing to: Director, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Patricia Tatum, (202) 233-3770.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Department of Veterans Affairs has no regulations considered major under the terms of Executive Order 12291; however, all of this Department's proposed rules and current rules under review, except those considered to be internal Department policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Bulletin 90-03.

By direction of the Secretary.

Edward G. Lewis,

Assistant Secretary for Information Resources Management.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3013	Limitations on Payments vs. Reimbursement of the Costs of Emergency Hospital Care and Medical Services Not Previously Authorized	2900-AA85
3014	Medical Care for Veterans Receiving Vocational Training Under 38 U.S.C. Chapter 15	2900-AB60
3015	Quality Assurance Confidentiality of Mandatory HSRO-SIR Functions	2900-AE39
3016	Outpatient Care for Research Purposes	2900-AE62
3017	Schedule for Rating Disabilities; the Cardiovascular System	2900-AE40
3018	Schedule for Rating Disabilities; The Endocrine System	2900-AE41
3019	Standards for Program Evaluation	2900-AE30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3020	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
3021	Transportation of Claimants and Beneficiaries	2900-AC70
3022	Grants to States for State Extended Care Facilities	2900-AD16
3023	Increasing the Domiciliary Income Limitation	2900-AD46
3024	Confidential Quality Assurance Program Records and Documents	2900-AD73
3025	Reporting Health Care Professionals to Licensing and Monitoring Entities	2900-AE27
3026	Confidentiality of Certain Medical Records	2900-AE28
3027	Health Professional Scholarship Program - Associated Degree in Nursing	2900-AE37
3028	Employee Fiduciaries	2900-AB50
3029	1. Veterans Services Officer (VSO) to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3030	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
3031	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
3032	Compliance with Civil Rights Provisions	2900-AC72
3033	Loans to Purchase Manufactured Homes	2900-AC85
3034	Qualification Requirements for Department of Veterans Affairs Fee Appraisers	2900-AD32
3035	Loan Guaranty: Approval and Withdrawal of Automatic Processing Privilege	2900-AD33
3036	Allowable Fees and Charges for Department of Veterans Affairs Guaranteed Loans	2900-AD34
3037	Full Disclosure of Beneficiary's Income and Assets	2900-AD35
3038	Reservists Education; Veterans' Benefits and Services Act of 1988 and the Montgomery GI Bill	2900-AD68

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3039	Authority of Fiduciaries to Conduct Insurance Transactions	2900-AD74
3040	Use of For-Profit Agencies	2900-AD80
3041	Reservists Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD89
3042	Exclusions from Income	2900-AD97
3043	Schedule for Rating Disabilities; Genitourinary System Disabilities	2900-AE11
3044	Claims Based on Exposure to Herbicides Containing Dioxin	2900-AE12
3045	Loan Guaranty: Servicing Requirements for VA Guaranteed Loans	2900-AE19
3046	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA	2900-AE20
3047	New and Material Evidence	2900-AE22
3048	VA Assistance in Developing Claims	2900-AE23
3049	Failure to Report for VA Examination	2900-AE24
3050	Mitigating Circumstances	2900-AE26
3051	Burial Benefits	2900-AE33
3052	Finality of Decisions	2900-AE42
3053	Reservists Education; PL 101-237 and the Montgomery GI Bill—Selected Reserve	2900-AE43
3054	Veterans Education; PL 101-237 and the Montgomery GI Bill—Active Duty	2900-AE44
3055	Veterans Education; PL 101-237 and VEAP	2900-AE45
3056	Veterans Education; PL 101-237 and Noncontributory Education Programs	2900-AE46
3057	Reservists Education; DOD Authorization Act, Montgomery GI Bill—Selected Reserve	2900-AE47
3058	Veterans Education; DOD Authorization Act and the Montgomery GI Bill—Active Duty	2900-AE48
3059	Reservists Education; Procedural Due Process, Montgomery GI Bill —Selected Reserve	2900-AE49
3060	Veterans Education; Procedural Due Process and the Montgomery GI Bill—Active Duty	2900-AE50
3061	Veterans Education; Procedural Due Process, Educational Assistance Test Program	2900-AE51
3062	Leaves of Absence	2900-AE53
3063	Permanent Program of Independent Living Service	2900-AE54
3064	Increase in Subsistence Allowance	2900-AE55
3065	Work-Study Allowances	2900-AE56
3066	Vocational Training Programs for Certain Pensioners	2900-AE57
3067	Lender Participation Fees	2900-AE58
3068	Indemnification of Default	2900-AE59
3069	Acceptance of Partial Payments	2900-AE60
3070	Application of Standard	2900-AE61
3071	Group Memorial Monuments	2900-AE13
3072	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities	2900-AB51

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3073	Contract Medical Care	2900-AC31
3074	Expanded Eligibility for 30-40 Percent Service-Connected Veterans	2900-AD41
3075	Operation of Child Care Centers at VA Facilities	2900-AD48
3076	Nondiscrimination Against Alcohol and Drug Abusers and Persons Infected with HIV	2900-AD49
3077	Confidentiality of Tort Claim Peer Review	2900-AE06
3078	Federal Policy for the Protection of Human Subjects	2900-AE29
3079	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
3080	Procedural Due Process	2900-AC54
3081	Extension of Time Limit for Claims	2900-AC61
3082	Training Outside the United States	2900-AC73
3083	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
3084	Loan Guaranty; Credit Underwriting Standards and Procedures for Processing VA Guaranteed Loans; Specially Adapted Housing	2900-AC90
3085	Assumption of VA Guaranteed Loans	2900-AD30
3086	Processing of VA Appraisals by Designated Lenders	2900-AD31
3087	Determination of Service-Connection for Impaired Hearing	2900-AD54
3088	Veterans Education; Payments During Breaks in Enrollment	2900-AD59
3089	Basic Eligibility Determinations: Education	2900-AD60
3090	Extension of Vocational Programs for Seriously Disabled Veterans	2900-AD76
3091	Extension of Eligibility Because of the Disabling Effects of Chronic Alcoholism	2900-AD77

VA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3092	Veterans Education; State Approving Agencies and the Montgomery GI Bill-Selected Reserve	2900-AD81
3093	Veterans and Dependents Education; The Veterans' Benefits and Programs Improvement Act	2900-AD84
3094	Veterans Education; The Veterans' Benefits and Programs Improvement Act and VEAP	2900-AD85
3095	Implementation of Pub. L. 100-198 Concerning Changes in Amount of Entitlement, Calculation of Guaranty Amount, Occupancy Requirements, and Requirements for Refinancing Loans	2900-AD91
3096	Require Holder to Retain Records for One Year; Eliminate Minimum Property Standards	2900-AD92
3097	Waiver/Compromise of Debts Established as Result of Foreclosure	2900-AD94
3098	Independent Medical Opinions	2900-AD96
3099	Definition of Marginal Employment	2900-AD99
3100	Veterans Education: Implementation of the Veteran Benefits Improvement and Health Care Authorization Act of 1986 and new GI Bill Continuation Act of 1987	2900-AE03
3101	Veterans Education; Disabling Effects of Chronic Alcoholism	2900-AE05
3102	Veterans Education Increase in Rates Payable in the Educational Assistance Test Program (EATP)	2900-AE08
3103	Reservists Education; Implementation of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986	2900-AE10
3104	Loan Guaranty: Discrimination on the Basis of Handicap or Family Status	2900-AE21
3105	Veterans Education; Qualifying for the Montgomery GI Bill Through Service in the Selected Reserve	2900-AE31
3106	Department of Veterans Affairs Acquisition Regulation—Consulting Service	2900-AC86
3107	Acquisition Regulation: Construction Contracting Procedures	2900-AC87
3108	Acquisition Regulation: Contractor Qualifications	2900-AE16
3109	Acquisition Regulation: Sealed Bidding	2900-AE17
3110	VA Official Seal and Distinguished Flag	2900-AE34
3111	Appeals Regulations and Rules of Practice; Request for Change in Representation for Personal Hearing, or Submission (cont)	2900-AD14
3112	Appeals Regulation: Rules of Practice	2900-AE02
3113	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities	2900-AB87
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3121	Determining Entitlement Usage Under the Vocational Rehabilitation Program	2900-AC08
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3124	Veterans Education; Restrictions on Making VEAP Payments to Servicepersons	2900-AD62
3125	Veterans Education; Veterans Employment, Training and Counseling Amendments of 1988	2900-AD63
3126	Definition of Former Prisoner of War	2900-AD71
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3128	On Job Training in Non-Federal Agencies on a Nominal Pay Basis	2900-AD79
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3130	Veterans Education; State Approving Agencies and VEAP	2900-AD88
3131	Duty Periods	2900-AE01
3132	Exchange Rates for Foreign Currencies	2900-AE25
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3134	Notification of VA Decisions	2900-AE52
3135	Acquisition Regulation: Contracting by Negotiation	2900-AE18
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3137	Committee on Waivers and Compromises	2900-AD50
3138	Suits Against Department of Veterans Affairs Employees	2900-AD72
3139	Suits Against VA Employees Arising Out of Common Law Torts and Based Upon Medical Care and Treatment Furnished in or by VHS&RA	2900-AE14

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

3013. ● LIMITATIONS ON PAYMENTS VS. REIMBURSEMENT OF THE COSTS OF EMERGENCY HOSPITAL CARE AND MEDICAL SERVICES NOT PREVIOUSLY AUTHORIZED

Significance: Regulatory Program

Legal Authority: PL 101-237, Sec 202

CFR Citation: 38 CFR 17.80(a)

Legal Deadline: None

Abstract: Editorial corrections to conform with language of the law.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2143

RIN: 2900–AA85

3014. ● MEDICAL CARE FOR VETERANS RECEIVING VOCATIONAL TRAINING UNDER 38 U.S.C. CHAPTER 15

Significance: Regulatory Program

Legal Authority: PL 101-237, Sec 202

CFR Citation: 38 CFR 17.56(a)

Legal Deadline: None

Abstract: Editorial correction to conform with the language of the law.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2143

RIN: 2900–AB60

3015. ● QUALITY ASSURANCE CONFIDENTIALITY OF MANDATORY HSRO-SIR FUNCTIONS

Legal Authority: 38 USC 3305; 38 USC 4151

CFR Citation: 38 CFR 17.500; 38 CFR 17.504; 38 CFR 17.505; 38 CFR 17.506; 38 CFR 17.507; 38 CFR 17.514; 38 CFR 17.515; 38 CFR 17.516; 38 CFR 17.517; 38 CFR 17.519; 38 CFR 17.523; 38 CFR 17.527; 38 CFR 17.534

Legal Deadline: None

Abstract: 38 USC 3305 prohibits VA from designating any Quality Assurance (QA) program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Those regulations, as amended, govern VA's QA program activities, and records and documents which are made confidential and privileged. VA is proposing reorganization of mandatory HSRO-SIR functions, streamline programmatic QA requirements for medical facilities, elimination of HSRO-SERP and establishment of a VACO external review section, refinement of general regulations designating and describing confidential records and documents, and clarifying outdated language.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Ron Goldman, Acting Chief, Systems Review Staff (I0B/QA1), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3115

RIN: 2900–AE39

3016. ● OUTPATIENT CARE FOR RESEARCH PURPOSES

Significance: Regulatory Program

Legal Authority: PL 101-237, Sec 202

CFR Citation: 38 CFR 17.59(c)

Legal Deadline: None

Abstract: Editorial corrections to conform with the language of Public Law 101-237, Sec 202.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2143

RIN: 2900–AE62

VETERANS BENEFITS ADMINISTRATION

3017. ● SCHEDULE FOR RATING DISABILITIES; THE CARDIOVASCULAR SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.104

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the cardiovascular system.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	55 FR 6658

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Barber, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE40

3018. ● SCHEDULE FOR RATING DISABILITIES; THE ENDOCRINE SYSTEM

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.119

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from

VA — Prerule Stage

a systematic review of the medical criteria used to evaluate disabilities of the endocrine system.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/90	55 FR 6658
ANPRM Comment Period End	04/27/90	55 FR 6658

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Manchester, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE41

PROGRAM COORDINATION AND EVALUATION

3019. STANDARDS FOR PROGRAM EVALUATION

Legal Authority: 38 USC 210(c); 38 USC 219

CFR Citation: 38 CFR 1.15

Legal Deadline: None

Abstract: Due to the realignment of the program evaluation function and the reduction of resources dedicated to that function, the conduct of program evaluations will be reevaluated and alternatives explored which will better meet the needs of the VA in assessing the effectiveness of its programs. Regulations will be proposed to implement these changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Chavez Long, Deputy Assistant Secretary for Program Coordination and Evaluation (076), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5212

RIN: 2900–AE30

DEPARTMENT OF VETERANS AFFAIRS (VA) — Proposed Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

3020. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any Department of Veterans Affairs facility or any hospital, while being furnished care or treatment therein by VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AB61

3021. TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.100

Legal Deadline: None

Abstract: These proposed regulations will implement Section 108 of Pub. L. 100-322 which provides that the Secretary of the Department of Veterans Affairs shall make payments for travel during the fiscal year for examination, treatment or care for which the person is eligible or in connection with vocational rehabilitation provided pursuant to Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	08/31/90	
Final Action	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AC70

3022. GRANTS TO STATES FOR STATE EXTENDED CARE FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 100-322

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: None

Abstract: Pub. L. 100-322 changed the date of the priority list for applications from July 1 to August 15. The Secretary is provided authority to conditionally award construction grants. If a state does not complete requirements within 90 days after conditional approval, funds will be deobligated. These proposed regulations will implement that change. Construction standards in 38 CFR 17.177 are being totally

reformatted, revised and updated. The veteran population in 38 CFR 17.171 Appendix A is being updated to reflect the current information. Additionally, provisions are being established to handle large grant requests where one project may exceed the annual appropriation. Requests for projects exceeding one-half the annual appropriation will receive lower priority on the list and may be partially funded if funds are available, the project ranks high enough on the priority list for Federal funds, and the State accepts a smaller grant.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Brent Baker, Chief, State Home Construction Grants, Ofc of Geriatrics and Extended Care (182C), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3679

RIN: 2900–AD16

3023. INCREASING THE DOMICILIARY INCOME LIMITATION

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.47; 38 CFR 17.48

Legal Deadline: None

Abstract: The proposed regulations implement Section 102 of Pub. L. 100-322 which provides that domiciliary care may be provided to veterans whose incomes do not exceed the maximum applicable rate of pension for a veteran in need of regular aid and attendance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AD46

3024. CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151

CFR Citation: 38 CFR 17.500; 38 CFR 17.506; 38 CFR 17.507(a)(4); 38 CFR 17.508; 38 CFR 17.509; 38 CFR 17.515; 38 CFR 17.516; 38 CFR 17.519

Legal Deadline: None

Abstract: 38 USC 3305 prohibits VA from designating any Quality Assurance (QA) program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Final regulations implementing 38 USC 3305 were made effective October 22, 1982. Those regulations govern VA's QA program activities and records and documents which are made confidential and privileged. Proposed rules amending 38 CFR 17.500-17.534 were issued in the Federal Register on October 27, 1988, and the public comment period ended November 28, 1988. One commenter suggested a change to those regulations that could not be accepted by VA without public comment. Therefore, VA is proposing to reorganize the description of the continuous monitoring functions, streamline programmatic QA requirements for the medical facilities and update requirements according to new standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Goldman, Acting Chief, System Review Staff (I0B/QA1), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3115

RIN: 2900–AD73

3025. REPORTING HEALTH CARE PROFESSIONALS TO LICENSING AND MONITORING ENTITIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This regulation will specify the requirements for reporting licensed health care professionals to licensing and monitoring entities. It will also state the criteria to be used in determining who should be reported to licensing and monitoring entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Agatha J. Francis, Health Science Officer (10/MI), Office of the Medical Inspector, Department of Veterans Affairs, Veterans Health Svcs & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5417

RIN: 2900–AE27

3026. CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS

Legal Authority: 38 USC 4132

CFR Citation: 38 CFR 1.460-499

Legal Deadline: None

Abstract: These regulations address the confidentiality of VA records pertaining to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), and sickle cell anemia treatment, rehabilitation, education, training, evaluation and research information.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AE28

3027. ● HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM - ASSOCIATED DEGREE IN NURSING

Significance: Regulatory Program

Legal Authority: PL 96-330; PL 97-251; PL 100-322; PL 101-237; 38 USC 4301 to 4336

CFR Citation: 38 CFR 17.600

Legal Deadline: NPRM, Statutory, September 1, 1990.
The amendments to the regulations should be effective 9/1/90, the beginning of the school year.

Abstract: The amended regulations reflect two changes:

1. Change in "school year" dates from July 1 - June 30 to September 1 - August 31. The majority of academic programs and students can be best served by adjusting the dates.

2. Include scholarship awards for associate degree nursing students in accordance with PL 101-237 (passed 12/18/89).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte F. Beason, Ed.D., Director, Health Professional Scholarship Program (143), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3588

RIN: 2900–AE37

VETERANS BENEFITS ADMINISTRATION

3028. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of Department of Veterans Affairs benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB50

3029. 1. VETERANS SERVICES OFFICER (VSO) TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB75

3030. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of Department of Veterans Affairs benefits that may be paid to spouse payee. The intended change broadens the class of payments to include Department of Veterans Affairs insurance. 38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AB76

3031. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which VA administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way VA is implementing this Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AC52

3032. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions requires that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in noncompliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs. We propose to amend 38 CFR 21.324 to reflect this new requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AC72

3033. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of the VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AC85

3034. QUALIFICATION REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS FEE APPRAISERS

Legal Authority: 38 USC 210(c); 38 USC 1831; PL 100-198

CFR Citation: 38 CFR 36.4339

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that certain standards for being designated as a fee appraiser be published in regulatory form. The standards are to include the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers. In the past, such requirements have been published in administrative issues other than regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2691

RIN: 2900–AD32

3035. LOAN GUARANTY: APPROVAL AND WITHDRAWAL OF AUTOMATIC PROCESSING PRIVILEGE

Legal Authority: 38 USC 210(c); 38 USC 1802(d)

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4300

Legal Deadline: None

Abstract: The Department of Veterans Affairs may grant lenders the authority to process loans on the automatic basis if they meet requirements set by VA. Currently these requirements are published in administrative issues with release to program participants. The proposed regulations will place the requirements in regulatory form to ensure proper notice. The requirements will include minimums for such items as working capital, experience of the firm and/or principal officers and its underwriters. These regulations will apply to lenders such as mortgage bankers who are not already under supervision by State or Federal entities. These regulations will also prescribe standards and procedures for withdrawal of the automatic processing authority.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD33

3036. ALLOWABLE FEES AND CHARGES FOR DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)

CFR Citation: 38 CFR 36.4312; 38 CFR 36.4254

Legal Deadline: None

Abstract: Regulations allow the veteran obtaining a Department of Veterans Affairs guaranteed loan to pay the lender making the loan a one percent origination fee to cover the processing of the loan. Any other discount points required by the lender are to be paid by someone other than the veteran except in those cases where it is specifically allowed, such as refinancing loans. This regulation would clarify the instances in which a veteran may or may not pay discount points. This regulation change would also clarify that discount points may not be paid by the veteran (except when specifically allowed) to anyone, including the lender, seller or other concerned party.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD34

3037. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505; 38 USC 3202(b)

CFR Citation: 38 CFR 13.58(b)(2)(iii); 38 CFR 13.59(a); 38 CFR 13.100(a)(1); 36 CFR 13.102(b); 38 CFR 13.104(a)

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-VA income and assets belonging to the incompetent beneficiary. It is difficult to assess whether the fiduciary is using the beneficiary's VA assets appropriately unless placed in the context of total income and assets available. The purpose of these changes is to lessen the potential for fraud, waste and abuse. 38 CFR 13.58(b)(2) and 13.59(a) detail the responsibilities of legal custodians and court-appointed guardians respectively. They would be amended to require the reporting of non-VA assets. 38 CFR 13.100(a)(1) defines the authority of the Veterans Services Officer to supervise fiduciaries. The intended change would permit the Veterans Services Officer to request non-VA financial information from fiduciaries. 38 CFR 13.102(b) and 13.104(b) define the accountability of legal custodians and court-appointed guardians respectively. The intended change requires disclosure of non-VA financial information.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AD35

3038. RESERVISTS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE MONTGOMERY GI BILL

Legal Authority: 10 USC 2136(b); 38 USC 1788

CFR Citation: 38 CFR 21.7670; 38 CFR 21.7672

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. This proposal will bring the pertinent regulation governing the Montgomery GI Bill into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD68

3039. AUTHORITY OF FIDUCIARIES TO CONDUCT INSURANCE TRANSACTIONS

Legal Authority: 38 USC 706; 38 USC 744

CFR Citation: 38 CFR 6.211; 38 CFR 8.119

Legal Deadline: None

Abstract: Under current procedures, State appointed fiduciaries may perform insurance transactions, e.g., apply for coverage or reinstate a policy, on behalf of incapacitated veterans. The ability of a fiduciary to perform a particular transaction is dependent on the authority granted to the fiduciary by State law. Such authority varies from State to State. Because of this, before any insurance transaction can be completed it must first be determined whether the fiduciary is authorized by State law to conduct the particular transaction. This entails referring the matter to a District Counsel for review. This process is time consuming and delays rendering service to our policyholders. In order to alleviate this problem and to establish a consistent approach regarding the powers of State-appointed fiduciaries, as well as federally appointed fiduciaries as they pertain to government life insurance transactions only, we are proposing regulations which will clarify and enunciate such powers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Insurance Specialist/Attorney (290B), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AD74

3040. USE OF FOR-PROFIT AGENCIES

Legal Authority: PL 100-689, Sec 202

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294; 38 CFR 21.252

Legal Deadline: None

Abstract: The Veterans' Benefits Programs and Improvement Act of 1988 contains provisions which allow VA to utilize for-profit agencies to provide independent living services and employment services under certain conditions. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AD80

3041. RESERVISTS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

Legal Authority: 38 USC 105; 38 USC 2131 to 2133; 38 USC 2135

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7551; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7670

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Montgomery GI Bill-Selective Reserve. These include paying benefits for less than half-time training in certain instances; liberalizing the eligibility criteria; and liberalizing the provisions for extending a reservist's period of eligibility. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer most of the new provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2092**

RIN: 2900–AD89

3042. EXCLUSIONS FROM INCOME

Legal Authority: PL 100-687

CFR Citation: 38 CFR 3.272

Legal Deadline: None

Abstract: This amendment excludes from countable income, for purposes of needs-based benefits, reimbursements for casualty losses and funds received from the Agent Orange litigation settlement.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AD97

3043. SCHEDULE FOR RATING DISABILITIES; GENITOURINARY SYSTEM DISABILITIES

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.115; 38 CFR 4.115a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the genitourinary system.

Timetable:

Action	Date	FR Cite
ANPRM	08/21/89	54 FR 34531
ANPRM Comment Period End	10/20/89	54 FR 34531
NPRM	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE11

3044. CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN

Legal Authority: PL 98-542; 38 USC 210(c)

CFR Citation: 38 CFR 3.311a

Legal Deadline: None

Abstract: This regulation will implement the court decision in Nehmer, et al., vs. United States Veterans Administration, et al., C.A. No. C-86-6160 TEH, U.S.D.C., N.D. Cal., May 3, 1989.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE12

3045. LOAN GUARANTY: SERVICING REQUIREMENTS FOR VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4200 et seq; 38 CFR 36.4300 et seq

Legal Deadline: None

Abstract: Presently, VA has no standards for loan holders to follow in servicing VA guaranteed home loans. It is proposed to develop appropriate standards for holders to follow in servicing VA loans. This would ensure that defaults would be prevented whenever possible and that liquidations are conducted as efficiently as possible.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3668**

RIN: 2900–AE19

3046. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4320

Legal Deadline: None

Abstract: Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received. The amendment will also provide that the property must be vacant when conveyed to VA unless occupied by someone properly in possession by virtue of a redemption period or as otherwise directed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3668**

RIN: 2900–AE20

3047. NEW AND MATERIAL EVIDENCE

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.156

Legal Deadline: None

Abstract: This amendment establishes a regulatory definition for the term "new and material evidence."

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE22

3048. VA ASSISTANCE IN DEVELOPING CLAIMS

Legal Authority: 38 USC 210(c); 38 USC 3007

CFR Citation: 38 CFR 3.159

Legal Deadline: None

Abstract: This amendment defines VA's responsibility to assist claimants in developing the facts pertinent to their claims.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE23

3049. FAILURE TO REPORT FOR VA EXAMINATION

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.326; 38 CFR 3.327; 38 CFR 3.329; 38 CFR 3.655

Legal Deadline: None

Abstract: These amendments clarify the requirement that individuals must report for VA examinations and require VA to issue advance notice before taking adverse action because of failure to report.

Timetable:

Action	Date	FR Cite
NPRM	02/07/90	55 FR 4199
NPRM Comment Period End	03/09/90	55 FR 4199

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE24

3050. MITIGATING CIRCUMSTANCES

Legal Authority: PL 100-689, Sec 121

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: The Veteran's Benefits and Program Improvement Act of 1988 provides that mitigating circumstances exist the first time a veteran withdraws from a course or courses which do not exceed six semester hours or the equivalent for which the veteran has been paid. Under prior provisions the determination of mitigating circumstances would have been made on a case-by-case basis. In addition, mitigating circumstances exist when a veteran's program must be interrupted or terminated because of problems in obtaining or arranging for child care.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE26

3051. ● BURIAL BENEFITS

Legal Authority: 38 USC 906; 38 USC 907; 38 USC 908

CFR Citation: 38 CFR 3.1601(a); 38 CFR 3.1612(g)

Legal Deadline: None

Abstract: This amendment removes existing time limits for filing claims for service-connected burial allowance, reimbursement for the cost of transporting a veteran's remains to a national cemetery, and monetary allowance in lieu of a government-furnished headstone or marker.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE33

3052. ● FINALITY OF DECISIONS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.104(a); 38 CFR 3.105(a)

Legal Deadline: None

Abstract: These amendments specify the point at which a VA decision becomes final and binding.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE42

3053. ● RESERVISTS EDUCATION; PL 101-237 AND THE MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain many sections which affect the Montgomery GI Bill - Selected Reserve. For example, flight training is now included as a permissible type of training under this program. Participants may now receive a work-study allowance. The regulations which implement this program must be drafted to implement this new provision of law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE43

3054. ● VETERANS EDUCATION; PL 101-237 AND THE MONTGOMERY GI BILL—ACTIVE DUTY

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain many sections which affect the Montgomery GI Bill - Active Duty. For example, flight training is included as a permissible type of training and there are extensive revisions to the work-study program. Regulations are needed to implement these new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE44

3055. ● VETERANS EDUCATION; PL 101-237 AND VEAP

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain sections which affect the Post-Vietnam Veterans Educational Assistance Program. The regulations governing this program have to be amended to implement the law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE45

3056. ● VETERANS EDUCATION; PL 101-237 AND NONCONTRIBUTORY EDUCATION PROGRAMS

Legal Authority: PL 101-237

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans Education and Employment Amendments of 1989 contain provisions that affect the noncontributory education programs VA administers. For example, the rates of Dependents' Educational Assistance are raised. There is a massive revision of the work-study program, etc. The appropriate regulations must be amended to implement this law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE46

3057. ● RESERVISTS EDUCATION; DOD AUTHORIZATION ACT, MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: PL 101-189

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Department of Defense Authorization Act for Fiscal Years 1990 and 1991 greatly expands the types of training permitted under the Montgomery GI Bill - Selected Reserve. Regulations must be developed to govern these types of training.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE47

3058. ● VETERANS EDUCATION; DOD AUTHORIZATION ACT AND THE MONTGOMERY GI BILL—ACTIVE DUTY

Legal Authority: PL 101-189

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Legal Deadline: None

Abstract: The Department of Defense Authorization Act for Fiscal Years 1990 and 1991 increases the "kicker" available to service members eligible for the Montgomery GI Bill - Active Duty. The regulations governing payments of benefits under this program must be amended accordingly.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE48

3059. ● RESERVISTS EDUCATION; PROCEDURAL DUE PROCESS, MONTGOMERY GI BILL —SELECTED RESERVE

Legal Authority: 38 USC 3001; 38 USC 3013

CFR Citation: 38 CFR 21.7532

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of improving due process procedures. This proposal will provide that in certain instances if VA does not furnish claimants or beneficiaries under the Montgomery GI Bill - Selected Reserve with notice of the time limits within which they are required to act, those time limits do not apply until notice is provided.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE49

3060. ● VETERANS EDUCATION; PROCEDURAL DUE PROCESS AND THE MONTGOMERY GI BILL—ACTIVE DUTY

Legal Authority: 38 USC 3001; 38 USC 3013

CFR Citation: 38 CFR 21.7032; 38 CFR 21.7131; 38 CFR 21.7139

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of improving due process procedures. This proposal will provide that in certain instances if VA does not furnish claimants or beneficiaries under the Montgomery GI Bill - Active Duty with notice of the time limits within which they are required to act, those time limits do not apply until notice is provided.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE50

3061. ● VETERANS EDUCATION; PROCEDURAL DUE PROCESS, EDUCATIONAL ASSISTANCE TEST PROGRAM

Legal Authority: 38 USC 3003; 38 USC 3013

CFR Citation: 38 CFR 21.5732

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of improving due process procedures. This proposal will provide that in certain instances if VA does not furnish a claimant or beneficiary with notice of the time limits within which they are required to act in order to perfect a claim under the Educational Assistance Test Program, those time limits do not apply until notice is provided.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE51

3062. ● LEAVES OF ABSENCE

Legal Authority: PL 101-237, Sec 412

CFR Citation: 38 CFR 21.342; 38 CFR 21.344

Legal Deadline: None

Abstract: The Veterans' Benefits Amendments of 1989 eliminate provisions which bar VA from paying

subsistence allowance to a veteran who is absent from pursuit of institutional training at a facility which does not offer a standard college degree for more than 30 days. This effect of the change is to provide for a uniform policy of charging absence for veterans training in college and noncollege degree facilities. The proposed regulations implement this statutory change.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE53

3063. ● PERMANENT PROGRAM OF INDEPENDENT LIVING SERVICE

Legal Authority: PL 101-237, Sec 404

CFR Citation: 38 CFR 21.162

Legal Deadline: None

Abstract: The law eliminates the prior termination date of the program of independent living services and assistance. The elimination of the termination date makes the provision of programs of independent living services a permanent part of the vocational rehabilitation program. The proposed regulation implements this legislative change.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE54

3064. ● INCREASE IN SUBSISTENCE ALLOWANCE

Legal Authority: PL 101-237, Sec 462

CFR Citation: 38 CFR 21.260

Legal Deadline: None

Abstract: The Veterans' Benefits Amendments of 1989 increase the monthly subsistence allowance paid to veterans participating in the vocational rehabilitation program by 7.5 percent. The proposed regulation implements this statutory change.

Timetable:

Action	Date	FR Cite
NPRM	04/04/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE55

3065. ● WORK-STUDY ALLOWANCES

Legal Authority: PL 101-237, Sec 406

CFR Citation: 38 CFR 21.272

Legal Deadline: None

Abstract: The Veterans' Benefits Amendments of 1989 enable veterans pursuing institutional training to qualify for participation in the work-study program if they are pursuing institutional training on a three-quarter or greater basis. In addition, the number of hours which the veteran may work each week is increased, and VA may pay participants in the work-study program the higher of the federal minimum wage or the minimum wage of the state in which the veteran is pursuing training. The proposed regulatory amendments implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	05/03/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE56

3066. ● VOCATIONAL TRAINING PROGRAMS FOR CERTAIN PENSIONERS

Legal Authority: PL 101-237, Sec 114

CFR Citation: 38 CFR 21.6050; 38 CFR 21.6420

Legal Deadline: None

Abstract: The Veterans' Benefits Amendments of 1989 change the age group of veterans receiving pension awards who must be furnished a vocational evaluation by VA from "under 50" to "under 45." In addition, the permanent and total disability evaluation of a veteran receiving pension may not be terminated because of the veteran's employment unless employment is maintained for 12 consecutive months. The proposed regulatory amendments implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	04/04/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AE57

3067. ● LENDER PARTICIPATION FEES

Legal Authority: 31 USC 9701(b); 38 USC 210(c); 38 USC 1803(c)

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to authorize the collection of lender participation fees. The fees will be collected from lenders participating in the automatic processing program for VA guaranteed loans. The fees will be used to defray, in part, the expenses incurred by VA in overseeing the

activities of lenders. It is proposed to collect application and annual fees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AE58

3068. ● INDEMNIFICATION OF DEFAULT

Legal Authority: 38 USC 210(c); 38 USC 1803; PL 101-237

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: These regulations will set out the requirements of Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, with regard to changes in establishing a veteran's liability to the Government in the event of foreclosure of a VA guaranteed loan. In the past, veterans were liable if their VA loan foreclosed. Under Public Law 101-237, liability will only be established in the event of fraud, misrepresentation or bad faith.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE59

3069. ● ACCEPTANCE OF PARTIAL PAYMENTS

Legal Authority: 38 USC 210(c); 38 USC 1832; PL 101-237

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None

Abstract: Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, amended 38 USC 1832(a) to require holders of VA guaranteed loans that are in default to notify VA if they refuse a partial payment of the amount owed when submitted by the veteran borrower. Notification may include a statement as to the circumstances of the default and the reason for the holder's refusal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE60

OFFICE OF BUDGET AND FINANCE

3070. ● APPLICATION OF STANDARD

Legal Authority: 38 USC 3102(c)

CFR Citation: 38 CFR 1.965

Legal Deadline: None

Abstract: Public Law 101-237 (December 18, 1989) amended 38 USC 3102(c) by removing "material fault" and "lack of good faith" as absolute bars to waiver of collection of VA benefit debts and home loan program debts, and replacing them with "bad faith." As a result, we must revise our regulation to comply with this legislative change.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Special Assistant (047F5), Department of Veterans Affairs, Office of Finance and Planning, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3405

RIN: 2900–AE61

NATIONAL CEMETERY SYSTEM

3071. GROUP MEMORIAL MONUMENTS

Legal Authority: 38 USC 210; 38 USC 906; 38 USC 1003

CFR Citation: 38 CFR 1.631; 38 CFR 1.632; 38 CFR 1.633

Legal Deadline: None

Abstract: VA provides grave monuments for veterans and eligible descendants and operates under authority of 38 U.S.C. 906 and 1000-1007. Under 38 U.S.C. 1003(b), VA may erect memorials in national cemeteries to individuals or groups of individuals whose remains have never been recovered or identified. Regulations have been published regarding provision of headstones or markers for individuals, but not for groups of individuals whose remains have not been recovered or identified. VA is proposing to provide memorials for such groups on the same basis as for individuals, or if requested, by a Federal agency or department acting on behalf of the next of kin.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M'Liz McLendon, Chief, Communications Staff, Office of Exec. Communications and Admin. (40D1), Department of Veterans Affairs, National Cemetery System, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2396

RIN: 2900–AE13

OFFICE OF EQUAL OPPORTUNITY

3072. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the

VA — Proposed Rule Stage

Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the Department is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2150

RIN: 2900–AB51

DEPARTMENT OF VETERANS AFFAIRS (VA) — Final Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

3073. CONTRACT MEDICAL CARE

Significance: Regulatory Program

Legal Authority: PL 99-576

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Legal Deadline: None

Abstract: The Department of Veterans Affairs and the Department of Health and Human Services will be proposing to amend applicable regulations to permit VA to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by VA are consistent with those made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47726
NPRM Comment Period End	12/27/88	53 FR 47726
NPRM Further Comments	11/30/89	54 FR 49314
NPRM Comment Period End	01/02/90	54 FR 49314
Final Action	08/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AC31

3074. EXPANDED ELIGIBILITY FOR 30-40 PERCENT SERVICE-CONNECTED VETERANS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.60

Legal Deadline: None

Abstract: The proposed regulations will implement the provisions in Section 101 of Pub. L. 100-322 which provides that outpatient medical services on an ambulatory or outpatient basis shall be furnished to a specified group of veterans in preparation for hospital admission or to obviate the need for hospital admission.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AD41

3075. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: PL 100-322, Sec 412

CFR Citation: 38 CFR 17.162

Legal Deadline: None

Abstract: Section 412 of Pub. L. 100-322 authorizes the Veterans Canteen Service to operate child care centers at VA facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of VA. The centers will be available for the children of VA employees and, to the extent space is available, the children of other Federal and Department of Veterans Affairs affiliated employees. Also, these centers should provide an incentive for personnel recruitment. The proposed regulations will prescribe the requirements and standards for the operation of VA child care centers.

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment Period End	01/26/90	54 FR 53078
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Brenda L. Jenkins, Actng Dir, Ofc of Child Care Svcs (133H), Veterans Canteen Service, Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 376-8149

RIN: 2900–AD48

3076. NONDISCRIMINATION AGAINST ALCOHOL AND DRUG ABUSERS AND PERSONS INFECTED WITH HIV

Legal Authority: 38 USC 4133; PL 100-322, Sec 122

CFR Citation: 38 CFR 17.48(k)

Legal Deadline: None

Abstract: This regulation is being amended to comply with Pub. L. 100-322, section 121, which prohibits the discrimination in admission or treatment in any VA health care facility of veterans who are eligible for treatment and who are alcohol or drug abusers or are infected with human immunodeficiency virus.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2504

RIN: 2900–AD49

3077. CONFIDENTIALITY OF TORT CLAIM PEER REVIEW

Legal Authority: 38 USC 3305

CFR Citation: 38 CFR 17.501 to 17.534

Legal Deadline: None

Abstract: These regulations will make confidential the results of the peer review of medical care provided in cases where malpractice is alleged.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39418
NPRM Comment Period End	10/26/89	54 FR 39418
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Agatha Francis, Health Science Officer (10/MI), Office of the Medical Inspector, Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5413

RIN: 2900–AE06

3078. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 5 USC 301; 38 USC 210(c)(1); 38 USC 4131; 38 USC 4184; 42 USC 300v-1(b)

CFR Citation: 38 CFR 16

Legal Deadline: None

Abstract: This amendment establishes policy regarding all research involving human subjects conducted, supported or otherwise subject to regulation by any Federal department or agency.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	53 FR 45670
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted Lorei, Staff Assistant to the ACMD for Research and Development (15C), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2618

RIN: 2900–AE29

VETERANS BENEFITS ADMINISTRATION

3079. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The Department of Veterans Affairs, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	52 FR 300
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5291

RIN: 2900–AC10

3080. PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Legal Deadline: None

Abstract: These changes expand the procedural due process provided to beneficiaries, especially when benefits are proposed to be reduced or terminated. There is also a clarification of the effective date rule applicable to liberalizing laws or administrative issues.

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37797
NPRM Comment Period End	10/28/88	53 FR 37797
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AC54

3081. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None

Abstract: Under current rules a veteran's request for assistance under the vocational rehabilitation program may be adversely affected if the veteran fails to timely provide information requested by VA even if VA did not inform the veteran of the time limits for providing the information requested. VA is proposing to change these rules to extend the period during which evidence may be submitted if VA did not inform the veteran of the time limits for submitting the requested information.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40687
NPRM Comment Period End	11/02/89	54 FR 40687
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AC61

3082. TRAINING OUTSIDE THE UNITED STATES

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None

Abstract: The provision of training outside a State is subject to certain limitations not applicable to training pursued within the United States. VA is proposing to amend these provisions in the case of veterans who wish to become employed outside the United States. The purpose of the change is to help assure that vocational rehabilitation services lead to suitable employment given the special problems inherent in providing vocational rehabilitation programs outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48645
NPRM Comment Period End	12/26/89	54 FR 48645
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AC73

3083. SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None

Abstract: Present regulations authorize the Secretary to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Secretary to have engaged in contracts of sale or methods or practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40742
NPRM Comment Period End	11/17/88	53 FR 40742
To Be Withdrawn	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AC83

3084. LOAN GUARANTY; CREDIT UNDERWRITING STANDARDS AND PROCEDURES FOR PROCESSING VA GUARANTEED LOANS; SPECIALLY ADAPTED HOUSING

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq; 38 CFR 4300 et seq; 38 CFR 4400 et seq

Legal Deadline: None

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that Department of Veterans Affairs home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	02/12/90	55 FR 4869
NPRM Comment Period End	03/14/90	55 FR 4869
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AC90

3085. ASSUMPTION OF VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1802(b); PL 100-198

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4200

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that assumers of Department of Veterans Affairs loans committed to on or after March 1, 1988, meet certain criteria, including credit underwriting, before the assumption may take place. The proposed regulations will place the requirements of the law into regulatory form and will, as required by the law, set timeliness standards for processing assumed loans and the maximum that may be charged for the processing.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/15/89	54 FR 25469
NPRM Comment Period End	07/17/89	54 FR 25469
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AD30

3086. PROCESSING OF VA APPRAISALS BY DESIGNATED LENDERS

Legal Authority: 38 USC 210(c); PL 100-198; 38 USC 1810; 38 USC 1810(b)(5); 38 USC 1831

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: Pub. L. 100-198 requires the publication of regulations authorizing certain lenders to process appraisals on VA guaranteed loans. Such lenders will determine the value of the property, based on an appraisal by an appraiser selected by VA, without VA's approval or review of the appraisal. The regulations will set the criteria for being a designated lender and the procedures to follow.

Timetable:

Action	Date	FR Cite
NPRM	05/11/89	54 FR 20398
NPRM Comment Period End	06/12/89	54 FR 20398
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2691

RIN: 2900–AD31

3087. DETERMINATION OF SERVICE-CONNECTION FOR IMPAIRED HEARING

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.385

Legal Deadline: None

Abstract: This amendment provides regulatory limits for establishing service-connection for impaired hearing and precludes service-connection for impaired hearing when those limits are satisfied.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32627
NPRM Comment Period End	09/26/88	53 FR 32627
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD54

3088. VETERANS EDUCATION; PAYMENTS DURING BREAKS IN ENROLLMENT

Legal Authority: 38 USC 1434; 38 USC 1780(a)

CFR Citation: 38 CFR 21.4203; 38 CFR 21.4205; 38 CFR 21.7139; 38 CFR 21.7140

Legal Deadline: None

Abstract: VA may make payments of educational assistance allowance to veterans and eligible persons under the various GI Bills during breaks within a certified period of enrollment when the break results from a school closing based upon an order of the President or due to an emergency situation. The Directors of Regional Offices have been delegated the authority to determine when these payments should be made. In the interest of administrative efficiency VA is considering permitting other VA employees to make these determinations during some school closings.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD59

3089. BASIC ELIGIBILITY DETERMINATIONS: EDUCATION

Legal Authority: 38 USC 1411(a); 38 USC 1412(b); 38 USC 1602; 38 USC 1652(a)

CFR Citation: 38 CFR 3.315

Legal Deadline: None

Abstract: VA has a regulation which provides authority and guidelines for making service-connected discharge determinations needed to determine eligibility for VA benefits. On November 18, 1988, VA proposed an amended regulation to determine when this determination must be made for a veteran who has applied for benefits under the Montgomery GI Bill-Active Duty. Subsequently, legislation was enacted which requires this determination for some reservists under the Montgomery GI Bill-Selected Reserve. VA will combine the two requirements and publish the regulation for further comment.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40684
NPRM Comment Period End	11/02/89	54 FR 40685
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD60

3090. EXTENSION OF VOCATIONAL PROGRAMS FOR SERIOUSLY DISABLED VETERANS

Legal Authority: PL 100-687, Sec 1303; PL 100-227, Sec 202

VA

Final Rule Stage

CFR Citation: 38 CFR 21.6001; 38 CFR 21.6005; 38 CFR 21.6015; 38 CFR 21.6021; 38 CFR 21.6040; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6054; 38 CFR 21.6059

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend its regulations governing two programs which provide vocational service to seriously disabled veterans receiving pension or individual unemployability benefits from VA. These changes are required because recent legislation extended both programs through January 31, 1992, and revised eligibility criteria for participation. The intended effect of these amendments is to make these programs available to an expanded group of veterans in receipt of pension from VA and eliminate the mandatory participation requirement for veterans awarded individual unemployability benefits on or after February 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/05/89	54 FR 41110
NPRM Comment Period End	11/06/89	54 FR 41110
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AD76

3091. EXTENSION OF ELIGIBILITY BECAUSE OF THE DISABLING EFFECTS OF CHRONIC ALCOHOLISM

Legal Authority: PL 100-689, Sec 109

CFR Citation: 38 CFR 21.42

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions under which the period of eligibility of a veteran requesting assistance under the vocational rehabilitation program may be extended for the period during which the veteran could not participate in a program because of the disabling effects of chronic alcoholism. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40688
NPRM Comment Period End	11/02/89	54 FR 40688
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-6496**

RIN: 2900–AD77

3092. VETERANS EDUCATION; STATE APPROVING AGENCIES AND THE MONTGOMERY GI BILL-SELECTED RESERVE

Legal Authority: 10 USC 2136; 38 USC 1774A

CFR Citation: 38 CFR 21.7700

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contain several provisions which affect the Department of Veterans Affairs relationships with the state approving agencies. This amendment will state that in administering Chapter 106, Title 10, United States Code, the Department of Veterans Affairs will apply the provisions of that new section in the same manner that it will be applied in the administration of 38 U.S.C. Chapters 34 and 36.

Timetable:

Action	Date	FR Cite
NPRM	09/25/89	54 FR 39207
NPRM Comment Period End	10/25/89	54 FR 39207
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2092**

RIN: 2900–AD81

3093. VETERANS AND DEPENDENTS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT

Legal Authority: 38 USC 1733; 38 USC 1692

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions which affect both the Dependents' Educational Assistance Program and the Vietnam Era GI Bill. Refresher, remedial and deficiency training is now permitted in the former, while the amount of tutorial assistance is raised in the latter, and the provisions for extending the delimiting date is liberalized for both of them. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	54 FR 47780
NPRM Comment Period End	12/18/89	54 FR 47781
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2092**

RIN: 2900–AD84

3094. VETERANS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT AND VEAP

Legal Authority: 38 USC 105; 38 USC 1602; 38 USC 1631; 38 USC 1634; 38 USC 1641; 38 USC 1652; 38 USC 1788

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5042; 38 CFR 21.5072; 38 CFR 21.5130; 38 CFR 21.5132; 38 CFR 21.5138; 38 CFR 21.5139; 38 CFR 21.5230; 38 CFR 21.5250; 38 CFR 21.5270; 38 CFR 21.5296

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Post-Vietnam Era Veterans' Educational Assistance Program. These

include permitting cooperative training in this program, permitting refresher remedial and deficiency training in this program, providing tutorial assistance to veterans in this program, liberalizing the provisions for extending a veteran's period of eligibility, and reducing benefits to veterans who are incarcerated by reason of a felony conviction. Some of these changes are liberalizing. Some are more restrictive. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48641
NPRM Comment Period End	12/26/89	54 FR 48641
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD85

3095. IMPLEMENTATION OF PUB. L. 100-198 CONCERNING CHANGES IN AMOUNT OF ENTITLEMENT, CALCULATION OF GUARANTY AMOUNT, OCCUPANCY REQUIREMENTS, AND REQUIREMENTS FOR REFINANCING LOANS

Legal Authority: 38 USC 210(c)(1); PL 100-198; PL 100-253

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4303; 38 CFR 36.4306; 38 CFR 36.4306a; 38 CFR 36.4502; 38 CFR 36.4504

Legal Deadline: None

Abstract: Regulations will be amended to implement certain provisions of Pub. L. 100-198 as amended by Pub. L. 100-253. The new law requires: (1) An increase in the maximum amount of entitlement from $27,500 to $36,000, (2) A revision of the method for calculating the guaranty amount, (3) A revision of the occupancy requirements, and (4) A revision of the requirements for refinancing loans. These regulations will formalize the implementation of these provisions since all have been put into effect administratively.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47220
NPRM Comment Period End	12/13/89	54 FR 47220
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD91

3096. REQUIRE HOLDER TO RETAIN RECORDS FOR ONE YEAR; ELIMINATE MINIMUM PROPERTY STANDARDS

Legal Authority: 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4215; 38 CFR 36.4330; 38 CFR 36.4360(a)

Legal Deadline: None

Abstract: Regulations will be revised to require lenders to keep loan origination records for one year. This will ensure that records will be available for one year should the Department of Veterans Affairs wish to audit them. The regulations will also be revised to eliminate references to the HUD Minimum Property Standards as both HUD and the Department of Veterans Affairs have discontinued use of these standards.

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	54 FR 47791
NPRM Comment Period End	12/18/89	54 FR 47791
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD92

3097. WAIVER/COMPROMISE OF DEBTS ESTABLISHED AS RESULT OF FORECLOSURE

Legal Authority: 38 USC 210(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4323(e)

Legal Deadline: None

Abstract: Under 38 USC 1820 the Secretary of the Department of Veterans Affairs is authorized to waive or compromise debt collection rights prior to the completion of a GI loan foreclosure. The Department of Veterans Affairs presently uses this authority under certain circumstances. This amendment will put into regulatory form the specific conditions under which the Secretary's authority to waive or compromise collection of debts may be used.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46079
NPRM Comment Period End	12/01/89	54 FR 46079
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AD94

3098. INDEPENDENT MEDICAL OPINIONS

Legal Authority: 38 USC 3009

CFR Citation: 38 CFR 3.328

Legal Deadline: None

Abstract: The proposed regulation provides authority and procedures for requesting independent medical opinions in complex or controversial claims.

Timetable:

Action	Date	FR Cite
NPRM	10/25/89	54 FR 43436
NPRM Comment Period End	11/24/89	54 FR 43436
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AD96

3099. DEFINITION OF MARGINAL EMPLOYMENT

Legal Authority: 38 USC 210(c); 38 USC 355

CFR Citation: 38 CFR 4.16

Legal Deadline: None

Abstract: This amendment defines the term "marginal employment" for purposes of making determinations of individual unemployability. This amendment is in response to a recommendation from the General Accounting Office.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35507
NPRM Comment Period End	09/27/89	54 FR 35508
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AD99

3100. VETERANS EDUCATION: IMPLEMENTATION OF THE VETERAN BENEFITS IMPROVEMENT AND HEALTH CARE AUTHORIZATION ACT OF 1986 AND NEW GI BILL CONTINUATION ACT OF 1987

Legal Authority: 38 USC 105; 38 USC 1411 to 1413; 38 USC 1417 to 1419; 38 USC 1788

CFR Citation: 38 CFR 21.7000; 38 CFR 21.7020; 38 CFR 21.7040; 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7050; 38 CFR 21.7076; 38 CFR 21.7100; 38 CFR 21.7103; 38 CFR 21.7112; 38 CFR 21.7122; 38 CFR 21.7131; 38 CFR 21.7135-7138

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains many provisions which affect the administration of the new educational assistance program for veterans and servicemembers. These include provision for apprenticeship and other on-job training and correspondence training in this program; minor changes to the criteria which must be met in order to establish eligibility for the program; a requirement that certain veterans be counseled before choosing a program of education; and a change concerning nonduplication of Federal programs. The New GI Bill Continuation Act of 1987 makes this program permanent, and changes its name to the Montgomery GI Bill.

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	54 FR 25733
NPRM Comment Period End	07/19/89	54 FR 25733
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2092**

RIN: 2900–AE03

3101. VETERANS EDUCATION; DISABLING EFFECTS OF CHRONIC ALCOHOLISM

Legal Authority: 38 USC 105; 38 USC 1662

CFR Citation: 38 CFR 3.301; 38 CFR 3.302; 38 CFR 21.1043

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 provides among other things that for the purposes of any provision relating to the extension of a delimiting period under any education benefit or rehabilitation program administered by the Department of Veterans Affairs, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct. These interim regulations will inform the public of the way in which the Department will implement this provision of law with respect to the Post-Korean Conflict GI Bill.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/89	54 FR 31950
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2092**

RIN: 2900–AE05

3102. VETERANS EDUCATION INCREASE IN RATES PAYABLE IN THE EDUCATIONAL ASSISTANCE TEST PROGRAM (EATP)

Legal Authority: 10 USC 2143-44

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be increased by six percent for the 1988-89 school year. These regulations dealing with these rates will be adjusted accordingly.

Timetable:

Action	Date	FR Cite
NPRM	10/19/89	54 FR 42961
NPRM Comment Period End	11/20/89	54 FR 42961
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

VA

Final Rule Stage

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy & Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE08

3103. RESERVISTS EDUCATION; IMPLEMENTATION OF THE VETERANS' BENEFITS IMPROVEMENT AND HEALTH-CARE AUTHORIZATION ACT OF 1986

Legal Authority: PL 99-576; PL 100-689

CFR Citation: 38 CFR 21.7540; 38 CFR 21.7600; 38 CFR 21.7603; 38 CFR 21.7642; 38 CFR 21.7670; 38 CFR 21.7672; 38 CFR 21.7673

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the provision of educational assistance to members of the Selected Reserve. The most important provisions include a change in the way in which VA must measure certain courses which do not lead to a standard college degree; a requirement that certain reservists be counseled before choosing a program of education; and a change concerning nonduplication of Federal programs. The appropriate regulations must be amended accordingly. The Veterans' Benefits and Program Improvement Act of 1988 contains some related provisions which also require amendments to VA regulations. These amendments will be proposed at the same time. Unrelated amendments will be proposed separately.

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	54 FR 47785
NPRM Comment Period End	12/18/89	54 FR 47785
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2668

RIN: 2900–AE10

3104. LOAN GUARANTY: DISCRIMINATION ON THE BASIS OF HANDICAP OR FAMILY STATUS

Legal Authority: 48 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4253; 38 CFR 36.4350

Legal Deadline: None

Abstract: Present VA regulations permit restrictions on title which limit the sale, lease or occupancy of the property based on age. The Fair Housing Amendments of 1988 prohibit discrimination in residential real estate transactions because of family status or handicap except for certain housing for older persons. VA proposes to amend its regulations to provide that age restrictions will be acceptable only if they are acceptable under the provisions of the Fair Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48646
NPRM Comment Period End	12/26/89	54 FR 48646
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AE21

3105. VETERANS EDUCATION; QUALIFYING FOR THE MONTGOMERY GI BILL THROUGH SERVICE IN THE SELECTED RESERVE

Legal Authority: 38 USC 1412

CFR Citation: 38 CFR 21.7042

Legal Deadline: None

Abstract: An individual may qualify for benefits under the Montgomery GI Bill-Active Duty by serving at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service and, after completion of active duty service, serving at least four continuous years in the Selected Reserve. In order to ensure that the Selected Reserve enlists servicemembers before their military skills have significantly eroded, this proposal would set a time limit of one year between release from active duty and affiliation with the Selected Reserve.

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	54 FR 47790
NPRM Comment Period End	12/18/89	54 FR 47791
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE31

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3106. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris A. Figg, Director, Acquisition Management Svc. (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt,

810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AC86

3107. ACQUISITION REGULATION: CONSTRUCTION CONTRACTING PROCEDURES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
NPRM	01/21/88	53 FR 1630
NPRM Comment Period End	02/22/88	53 FR 1630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Barbara Danzig, Chief, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AC87

3108. ACQUISITION REGULATION: CONTRACTOR QUALIFICATIONS

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 809

Legal Deadline: None

Abstract: This amendment makes administrative changes regarding the VA procedures for making debarment and suspension decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Barbara Danzig, Chief, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5001

RIN: 2900–AE16

3109. ACQUISITION REGULATION: SEALED BIDDING

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 814

Legal Deadline: None

Abstract: This amendment will delete duplicative coverage from the VA Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mildred C. Shields, Procurement Analyst (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AE17

OFFICE OF ADMINISTRATION

3110. ● VA OFFICIAL SEAL AND DISTINGUISHED FLAG

Legal Authority: PL 100-527; 38 USC 201

CFR Citation: 38 CFR 1.9

Legal Deadline: None

Abstract: This regulation will prescribe VA policy regarding the use and display of the official VA seal and distinguishing flag. The benefit of this action will be to create a uniform identity for the Department.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Priscilla B. Carey, Director, Office of Administration (03), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2399

RIN: 2900–AE34

BOARD OF VETERANS APPEALS

3111. APPEALS REGULATIONS AND RULES OF PRACTICE; REQUEST FOR CHANGE IN REPRESENTATION FOR PERSONAL HEARING, OR SUBMISSION (CONT)

Legal Authority: 38 USC 4004; 38 USC 4005

CFR Citation: 38 CFR 19.174

Legal Deadline: None

Abstract: This regulation will be amended to specify a cutoff date for the acceptance of additional evidence, requests for hearings or changes of representation once an appeal is transferred to the Board of Veterans Appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/06/89	54 FR 28445
NPRM Comment Period End	08/07/89	54 FR 28445
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: of Additional Evidence Following Certification of an Appeal to the Board of Veterans Appeals

Agency Contact: Jan Donsbach, Special (Legal) Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AD14

3112. APPEALS REGULATION: RULES OF PRACTICE

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 6103; 38 USC 111; 38 USC 210; 38 USC 211a; 38 USC 212(a); 38 USC 3007 to 3008; 38 USC 3301 to

3302(b); 38 USC 3311; 38 USC 3401 to 3405; 38 USC 4001 to 4010

CFR Citation: 38 CFR 19; 38 CFR 20

Legal Deadline: None

Abstract: The provisions of Pub. L. 100-687 establish judicial review of Board of Veterans Appeals decisions, provide for greater involvement of private attorneys-at-law in the appeals process at the Department level, and make other changes affecting appeals. The Appeals Regulations and Rules of Practice are revised to accommodate these changes and to generally update these regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34334
NPRM Comment Period End	09/18/89	54 FR 34334
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jan Donsbach, Special Legal Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AE02

OFFICE OF EQUAL OPPORTUNITY

3113. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.461, App A

Legal Deadline: None

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9971
NPRM Comment Period End	05/08/89	54 FR 9966
Interim Final Rule	04/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2150

RIN: 2900–AB87

OFFICE OF THE GENERAL COUNSEL

3114. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3402

CFR Citation: 38 CFR 14.629

Legal Deadline: None

Abstract: The proposed amendments to existing procedures and requirements will authorize accreditation as claim representatives of individuals working at least 1,000 hours annually for organizations recognized by VA to represent veterans-benefit claimants and establish criteria for the accreditation of county veterans' service officers as claim representatives based on recommendation and supervision by State organizations recognized by VA to represent veterans' benefit claimants. VA believes less-than-full-time employment of a claim representative (specifically, at least 1,000 hours per year) does not connote lack of accountability to the recognized organization, primarily because the representative is significantly dependent upon the organization as the source of livelihood. As regards accreditation of county veterans' service officers, VA has for some years recognized some such officers, even though they are not actually State-employed, under the theory they are so closely associated with the State as to be considered State employees. The proposed regulations would provide recognized

Timetable:

Action	Date	FR Cite
NPRM	12/11/89	54 FR 50772
NPRM Comment Period End	01/10/90	54 FR 50772
Final Action	06/01/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: (Item No. 9 Continued) State organizations and VA with clear and uniform standards to apply in determining whether such officers are qualified to represent claimants.

Agency Contact: Richard J. Hipolit, Deputy Assistant General Counsel (022A), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2440

RIN: 2900–AE15

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3115. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and

concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA name and address lists of veterans/dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Epps, Records Management Service (723), Department of Veterans Affairs, Office of Information Resources Policies, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6837

RIN: 2900–AC63

3116. PREDISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4); EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in VA regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45944
NPRM Comment Period End	12/15/88	53 FR 45944
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Leandri, Records Management Service (723), Department of Veterans Affairs, Office of Information Resource Policies, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-5450

RIN: 2900–AD09

DEPARTMENT OF VETERANS AFFAIRS (VA) Completed Actions

3117. HEALTH CARE OUTSIDE THE UNITED STATES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

CFR Citation: 38 CFR 17.36

Completed:

Reason	Date	FR Cite
Final Action	03/28/90	55 FR 11369
Final Action Effective	04/27/90	55 FR 11369

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus 202 233-2504

RIN: 2900–AD45

3118. PROVIDING EMERGENCY HOSPITAL CARE TO COMMUNITY NURSING HOME PATIENTS

CFR Citation: 38 CFR 17.50b(3)

Completed:

Reason	Date	FR Cite
Final Action	12/27/89	54 FR 53056
Final Action Effective	01/26/90	54 FR 53056

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus 202 233-2504

RIN: 2900–AD47

3119. ● HOSPITAL CARE AND MEDICAL SERVICES IN NON-VA FACILITIES

Significance: Regulatory Program

Legal Authority: PL 101-237, Sec 202

CFR Citation: 38 CFR 17.50b(a)(iv)

Legal Deadline: None

Abstract: Changes language to conform with Public Law, i.e., "for any illness, injury, or dental condition in the case of a veteran who is participating in a rehabilitation program (as defined in Section 1501(a) of this title), and (ii)."

Timetable:

Action	Date	FR Cite
Withdrawn	04/06/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2143

RIN: 2900–AE63

3120. CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION

CFR Citation: 38 CFR 3.311b

Completed:

Reason	Date	FR Cite
Final Action	10/18/89	54 FR 42802
Final Action Effective	11/17/89	54 FR 42802

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus 202 233-3005

RIN: 2900–AB64

3121. DETERMINING ENTITLEMENT USAGE UNDER THE VOCATIONAL REHABILITATION PROGRAM

CFR Citation: 38 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	11/17/89	54 FR 47770
Final Action Effective	12/18/89	54 FR 47770

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AC08

3122. DUE PROCESS

CFR Citation: 38 CFR 21.420

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 40871
Final Action Effective	10/04/89	54 FR 40871

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AD27

3123. PLACING USE OF THE VOCATIONAL REHABILITATION PANEL ON A DISCRETIONARY BASIS

CFR Citation: 38 CFR 21.62; 38 CFR 21.74; 38 CFR 21.76; 38 CFR 21.52; 38 CFR 21.53

Completed:

Reason	Date	FR Cite
Final Action	09/08/89	54 FR 37331
Final Action Effective	10/10/89	54 FR 37331

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AD29

3124. VETERANS EDUCATION; RESTRICTIONS ON MAKING VEAP PAYMENTS TO SERVICEPERSONS

CFR Citation: 38 CFR 21.5134

Completed:

Reason	Date	FR Cite
Final Action	12/04/89	54 FR 49977
Final Action Effective	01/03/90	54 FR 49977

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD62

3125. VETERANS EDUCATION; VETERANS EMPLOYMENT, TRAINING AND COUNSELING AMENDMENTS OF 1988

CFR Citation: 38 CFR 21.4150-4155; 38 CFR 21.4612; 38 CFR 21.4622; 38 CFR 21.4624; 38 CFR 21.4630-4632; 38 CFR 21.7200

Completed:

Reason	Date	FR Cite
Final Action	12/01/89	54 FR 49755
Final Action Effective	05/20/88	54 FR 49755

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD63

3126. DEFINITION OF FORMER PRISONER OF WAR

CFR Citation: 38 CFR 3.1(y)

Completed:

Reason	Date	FR Cite
Final Action	03/07/90	55 FR 8141
Final Action Effective	04/06/90	55 FR 8141

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England 202 233-3005

RIN: 2900–AD71

3127. NATIONAL SERVICE LIFE INSURANCE: VERBAL AUTHORIZATION OF PREMIUM DEDUCTION ACTIONS

CFR Citation: 38 CFR 8.8; 38 CFR 8.9

Completed:

Reason	Date	FR Cite
Final Action	11/02/89	54 FR 46231
Final Action Effective	12/04/89	54 FR 46231

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer 215 951-5710

RIN: 2900–AD75

3128. ON JOB TRAINING IN NON-FEDERAL AGENCIES ON A NOMINAL PAY BASIS

CFR Citation: 38 CFR 21.296; 38 CFR 21.299

Completed:

Reason	Date	FR Cite
Final Action	02/05/90	55 FR 3738
Final Action Effective	03/07/90	55 FR 3739

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AD79

3129. DEPENDENTS EDUCATION; ELIGIBILITY OF STEPCHILDREN

CFR Citation: 38 CFR 21.3041; 38 CFR 21.4135

Completed:

Reason	Date	FR Cite
Final Action	10/17/89	54 FR 42501
Final Action Effective	09/26/89	54 FR 42501

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD82

3130. VETERANS EDUCATION; STATE APPROVING AGENCIES AND VEAP

CFR Citation: 38 CFR 21.5150

Completed:

Reason	Date	FR Cite
Final Action	04/04/90	55 FR 12482
Final Action Effective	05/20/90	55 FR 12482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD88

3131. DUTY PERIODS

CFR Citation: 38 CFR 3.6

Completed:

Reason	Date	FR Cite
Final Action	12/13/89	54 FR 51199
Final Action Effective	10/01/88	54 FR 51199

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England 202 233-3005

RIN: 2900–AE01

3132. EXCHANGE RATES FOR FOREIGN CURRENCIES

CFR Citation: 38 CFR 3.32

Completed:

Reason	Date	FR Cite
Final Action	03/07/90	55 FR 8140
Final Action Effective	04/06/90	55 FR 8140

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England 202 233-3005

RIN: 2900–AE25

3133. ● LOAN GUARANTY: PERCENTAGE TO DETERMINE NET VALUE

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36.4301

Legal Deadline: None

Abstract: This notice updates for fiscal year 1990 the percentage used by VA in determining net value of a foreclosed property. VA's decision on whether to offer the loan holder an election to convey a foreclosed property to VA is based on VA's determination of the net value of the property. Net value is equal to the fair market value of the property minus the costs VA estimates would be incurred in the acquisition, management and disposition of the property for FY 1990. The percentage used will be 11.45 percent.

Timetable:

Action	Date	FR Cite
Final Action	02/13/90	55 FR 5112
Final Action Effective	02/13/90	55 FR 5112

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AE38

3134. ● NOTIFICATION OF VA DECISIONS

Legal Authority: PL 101-237, Sec 115

CFR Citation: 38 CFR 21.420

Legal Deadline: None

Abstract: The Veterans Benefits Amendments of 1989 requires that the claimant and the claimant's representative be notified of all decisions regarding benefits on a timely basis, and be provided an explanation of the procedures for obtaining a review of the decision. In addition, all notices of decisions which deny a benefit sought by the veteran must include the reasons for the decision and a summary of the evidence on which the decision is based. The proposed regulatory amendment implements this statutory change.

Timetable:

Action	Date	FR Cite
Withdrawn	04/06/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AE52

3135. ACQUISITION REGULATION: CONTRACTING BY NEGOTIATION

CFR Citation: 48 CFR 815

Completed:

Reason	Date	FR Cite
Final Action	10/17/89	54 FR 42507
Final Action Effective	10/10/89	54 FR 42508

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mildred C. Shields 202 233-4339

RIN: 2900–AE18

3136. ● VA ACQUISITION REGULATION: INTERNAL MANAGEMENT OF THE VA ACQUISITION SYSTEM

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 803

Legal Deadline: None

Abstract: To implement and supplement the Procurement Integrity Act as contained in FAR Part 3 by prescribing internal controls within VA.

Timetable:

Action	Date	FR Cite
Final Action	11/09/89	54 FR 47086
Final Action Effective	11/23/89	54 FR 47086

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris A. Figg, Director, Acquisition Management Svc. (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AE32

3137. COMMITTEE ON WAIVERS AND COMPROMISES

CFR Citation: 38 CFR 1.955

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 40870
Final Action Effective	11/03/89	54 FR 40870

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern 202 233-3405

RIN: 2900–AD50

3138. SUITS AGAINST DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

CFR Citation: 38 CFR 14

Completed:

Reason	Date	FR Cite
Withdrawn	01/26/90	

Small Entities Affected: None

Government Levels Affected: None

VA

Completed Actions

Agency Contact: James E. Adams 202 233-2060

RIN: 2900–AD72

3139. SUITS AGAINST VA EMPLOYEES ARISING OUT OF COMMON LAW TORTS AND BASED UPON MEDICAL CARE AND TREATMENT FURNISHED IN OR BY VHS&RA

CFR Citation: 38 CFR 14.600; 38 CFR 14.610

Completed:

Reason	Date	FR Cite
Withdrawn	05/20/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Douglas Bradshaw, Jr. 202 233-2153

RIN: 2900–AE14

[FR Doc. 90-6985 Filed 04-20-90; 8:45 am]

BILLING CODE 8320-01-T

Federal Register

Monday
April 23, 1990

Part XVII

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291 "Federal Regulation," Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision, or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Frank B. Stilwell III, General Counsel, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Dated: March 9, 1990.

Jane A. Kenny,

Director.

ACTION (ACTION) — Prerule Stage

3140. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951, ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 634-9312**

RIN: 3001–AA10

3141. ● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1)

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1), ACTION will promulgate regulations implementing provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin in federally assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 634-9312**

RIN: 3001–AA15

ACTION (ACTION) — Final Rule Stage

3142. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1), ACTION will promulgate regulations implementing provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin in federally assisted programs.

Timetable:

Action	Date	FR Cite
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Ave., NW., Washington, DC 20525, **202 634-9312**

RIN: 3001–AA06

3143. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

ACTION **Final Rule Stage**

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
NPRM	09/18/89	54 FR 38401
NPRM Comment Period End	11/17/89	
Interim Final Rule	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Ave., NW., Washington, DC 20525, **202 634-9312**

RIN: 3001–AA07

3144. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None

Abstract: In accordance with the Freedom of Information Act (5 USC 552), the Agency is updating its regulation concerning the release of Agency information.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Janet Smith, Director, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 634-9245**

RIN: 3001–AA09

3145. ● DRUG-FREE WORKPLACE FINAL COMMON RULES

Legal Authority: PL 100-690, Title V, Subtitle D; 41 USC 701 et seq; 42 USC 4951

CFR Citation: 45 CFR 1229

Legal Deadline: None

Abstract: In accordance with the Drug-Free Workplace Act of 1988, ACTION has promulgated its regulations implementing the requirements of the cited act and has amended 45 CFR 1229, Debarment and Suspension regulations, to include the incorporation of drug-free workplace procedures as required by FOMB.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4965
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret M. McHale, Chief, Procurement and Grants Division, ACTION, 1100 Vermont Avenue, NW., Room 2101, Washington, DC 20525, **202 634-9150**

RIN: 3001–AA16

3146. ● NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: PL 92-318

CFR Citation: 45 CFR 1231

Legal Deadline: None

Abstract: In accordance with PL 92-318, ACTION will promulgate regulations implementing provisions of Title IX of the Education Amendments of 1972, as amended, which prohibit discrimination based on sex in federally assisted programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/90	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, **202 634-9312**

RIN: 3001–AA17

3147. ● NEW RESTRICTIONS ON LOBBYING FINAL COMMON RULES

Legal Authority: 31 USC 1352; PL 101-121, sec 319; 42 USC 4951

CFR Citation: 45 CFR 1230

Legal Deadline: None

Abstract: In accordance with PL 101-121, ACTION will promulgate final regulations to implement provisions prohibiting recipients of Federal contracts and grants from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government. The regulations also require disclosure of lobbying using non-appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret M. McHale, Chief, Procurement and Grants Division, ACTION, 1100 Vermont Avenue, NW., Room 2101, Washington, DC 20525, **202 634-9150**

RIN: 3001–AA18

[FR Doc. 90-6630 Filed 04-20-90; 8:45 am]

BILLING CODE 6050-28-T

federal register

Monday
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Part XVIII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 810

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following ACHP regulation is scheduled for development from April 1990 through March 1991. It is submitted herein for publication in the Unified Agenda of Federal Regulations, EO 12291.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific agenda information.

Advisory Council on Historic Preservation.

Robert D. Bush,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Proposed Rule Stage

3148. FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from $0.10 to $0.13 per page; fees for searches by professional staff from $2.00 to $4.65 per quarter hour; and fees for searches by clerical staff from $1.00 to $2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	09/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: **Katherine Barns Soffer,** Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW #809, Washington, DC 20004, **202 786-0503**

RIN: 3010–AA03

[FR Doc. 90-6986 Filed 04-20-90; 8:45 am]

BILLING CODE 4310-10-T

Federal Register

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Part XIX

Agency for International Development

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; A.I.D. Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: A.I.D. regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this agenda as required by section 5(a) of Executive Order 12291 "Federal Regulation" (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next 12 months. It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list in general, contact: Mr. John H. Elgin, Office of Information Resources Management, Agency for International Development, Washington, DC 20523; telephone (703) 875-1608.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

A.I.D. does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: February 15, 1990.

Michael Doyle,

Assistant to the Administrator for Management Services.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Prerule Stage

3149. REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: 22 USC 2381; 5 USC 552a; 5 USC 553

CFR Citation: 22 CFR 215

Legal Deadline: None

Abstract: The regulation is being reviewed for update. Two new systems of records are being studied for incorporation.

Timetable:

Action	Date	FR Cite
Final draft of guidelines to be circulated within Agency	04/00/90	
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Director, Office of Public Inquiries, Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 647-4220**

RIN: 0412–AA03

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Proposed Rule Stage

3150. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412–AA06

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Final Rule Stage

3151. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (AID), acting as an agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, PL 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412–AA05

3152. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 226

Legal Deadline: None

Abstract: Regulation will implement governmentwide administrative rules applicable to assistance agreements from AID to U.S. non-governmental organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Hara, Chief, Policy Branch, Agency for International Development, Planning Policy and Evaluation, Bureau for Management Services, Washington, DC 20523, **703 875-1534**

RIN: 0412–AA13

3153. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: 22 USC 2381; 41 USC 701 et seq

CFR Citation: 22 CFR 208

Legal Deadline: None

Abstract: Drug-free workplace requirements applicable to grantees need to be published as a final rule incorporating public comments as appropriate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Agency for International Development, Planning Policy and Evaluation Staff, Bureau for Management Services, Washington, DC 20523, **703 875-1534**

RIN: 0412–AA14

3154. ● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 22 USC 2381; PL 101-167, sec 579

CFR Citation: 48 CFR 705; 48 CFR 706; 48 CFR 726; 48 CFR 752

Legal Deadline: Final, Statutory, May 20, 1990. Other, Statutory, February 19, 1990.
Other deadline is for an interim regulation.

Abstract: The regulation is being amended to implement the provisions in the FY 90 Foreign Assistance Appropriations Act concerning contracting with Disadvantaged Enterprises.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/90	55 FR 8469
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Agency for International Development, Planning Policy and Evaluation Staff, Bureau for Management Services, Washington, DC 20523, **703 875-1534**

RIN: 0412–AA15

3155. ● NEW RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 1352; 22 USC 2381

CFR Citation: 22 CFR 227

Legal Deadline: None

Abstract: The regulation is being issued to implement new restrictions prohibiting recipients of Federal grants from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific grant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	

Small Entities Affected: None

Government Levels Affected: None

AID

Final Rule Stage

Agency Contact: Kathleen O'Hara, Chief, Policy Branch, Agency for International Development, Planning Policy and Evaluation Staff, Bureau for Management Services, Washington, DC 20523, **703 875-1534**

RIN: 0412–AA16

[FR Doc. 90-5944 Filed 04-20-90; 8:45 am]

BILLING CODE 6116-01-T

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Part XX

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of unified agenda of federal regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities, which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street NW., Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Mr. Jeffery Hill, Staff Attorney, (202) 653-7834 (voice or TDD).

Lawrence W. Roffee,

Executive Director, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Prerule Stage

3156. 36 CFR PART 1150 - PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Significance: Agency Priority

Legal Authority: Section 502 Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1150

Legal Deadline: None

Abstract: The proposed rule would amend current procedures for the processing and resolution of complaints filed with the agency as well as the procedures for administrative hearings conducted in accordance with Section 502 of the Rehabilitation Act of 1973, Pub. L. 92-112 as amended (29 USC 792). The potential financial impact is undetermined at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA06

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Final Rule Stage

3157. 36 CFR PART 1152 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 5 CFR 735

CFR Citation: 36 CFR 1152

Legal Deadline: None

Abstract: This final rule amends the current regulations concerning the Statements of Employment and Financial Interests, including but not limited to, which employees are required to submit statements, the procedures and responsibilities for reviewing the statements, the forms utilized and such other areas as necessary to implement appropriate procedures for compliance with the requirements for financial disclosure based on the current authorities and responsibilities of the agency. This rulemaking will have no financial impact.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA05

3158. 36 CFR PART 1155 - STATEMENT OF ORGANIZATION AND PROCEDURES

Significance: Agency Priority

Legal Authority: Section 502, Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1155

Legal Deadline: None

Abstract: This final rule amends current Board procedures to provide for a system of notational voting and such other internal procedures as are necessary for the functioning of the agency.

ATBCB **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Internal Procedures	08/07/89	54 FR 32337
Final - Notational Voting	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA08

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Completed Actions

3159. INFORMATION AVAILABILITY: PROCEDURES (36 CFR 1120)

Legal Authority: 5 USC 552

CFR Citation: 36 CFR 1120, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: This final rule amends the ATBCB's regulations to establish a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA) requests and also sets forth the standards to be used in making fee waiver determinations as required by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/10/87	52 FR 43193
Final Action	01/25/90	55 FR 2518
Final Action Effective	01/25/90	55 FR 2518

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA04

3160. 36 CFR PART 1153 - AUTHORITIES AND DELEGATIONS

Significance: Agency Priority

Legal Authority: Section 502, Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1153

Legal Deadline: None

Abstract: This final rule amends current Authorities and Delegations to provide for such additional duties and responsibilities as are necessary to effectuate and implement the procedures set forth in the revised Statement of Organization and Procedures. The revision will include but is not limited to the designation of the authority to establish the Board agenda and such other delegations as are necessary to insure the proper functioning of the agency. This rulemaking will have no financial impact.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/10/89	54 FR 32337
Final Action	08/07/89	54 FR 32337

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA07

[FR Doc. 90-5945 Filed 04-20-90; 8:45 am]

BILLING CODE 6820-BP-T

federal register

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Part XXI

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: U.S. Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 6-month period from April 1, 1990, through September 30, 1990. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For further information on any items in the agenda, contact: Jeffrey P. O'Connell, Acting Solicitor, U.S. Commission on Civil Rights, Room 606, 1121 Vermont Avenue NW., Washington, DC 20425, (202) 376-8514.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

Jeffrey P. O'Connell,

Acting Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR) — Proposed Rule Stage

3161. ● COMMISSION ON CIVIL RIGHTS—UPDATE AND REVISION

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552(a); 5 USC 552(b)

CFR Citation: 45 CFR 701; 45 CFR 702; 45 CFR 703; 45 CFR 705

Legal Deadline: None

Abstract: The regulation updates and revises most of the Commission's current regulations, specifically 45 CFR 701, 702, 703, and 705. 45 CFR 701 identifies the organization and functions of the Commission. 45 CFR 702 specifies the rules on hearings, reports and meetings of the Commission. 45 CFR 703 identifies the operations and functions of the Commission's State advisory committees. 45 CFR 705 states the Commission's obligations under the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey P. O'Connell, Acting Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW., Suite 606, Washington, DC 20425, 202 376-8514

RIN: 3035–AA02

COMMISSION ON CIVIL RIGHTS (CCR) — Final Rule Stage

3162. IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552

CFR Citation: 45 CFR 704 (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: The regulation implements the 1986 statutory amendments to the Freedom of Information Act (FOIA) (5 USC 552). The revised provisions modify the terms of exemption 7 and also establish new procedures regarding the charging and waiving of fees pursuant to a FOIA request.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5504
NPRM Comment Period End	03/06/89	
Final Action	04/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey P. O'Connell, Acting Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW., Suite 606, Washington, DC 20425, 202 376-8514

RIN: 3035–AA00

COMMISSION ON CIVIL RIGHTS (CCR)

Completed Actions

3163. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504-HANDICAPPED DISCRIMINATION PROHIBITION

CFR Citation: 45 CFR 707

Completed:

Reason	Date	FR Cite
Final Action	02/16/90	55 FR 5778
Final Action Effective	03/28/90	55 FR 5778

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey P. O'Connell 202 376-8514

RIN: 3035–AA01

[FR Doc. 90-5946 Filed 04-20-90; 8:45am]

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Federal Register

Monday
April 23, 1990

Part XXII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3730-6]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises and issues the regulatory agenda semiannually, and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Regulation Development Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5475.

If you have any suggestions for improving this publication or need general information about the agenda, please call or write to Mary Miller, Regulation Development Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5251.

FOR FURTHER INFORMATION CONTACT: For specific information on any item in the agenda, please contact the person listed with each entry.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)
Marine Protection, Research, and Sanctuaries Act (MPRSA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General - Other Acts (including grant and procurement regulations that cut across several program areas)

Organization of the Agenda

The agenda is organized by statute, and in several cases, it combines regulations with differing statutory authorities that have closely related subject matter. For example, the Food Additive Regulations Concerning Pesticide Residues: Procedural Regulations are written under FFDCA but appear with regulations under TSCA.

Within each statutory listing, the regulations are ordered numerically by section number of the authorizing legislation. For example, all RCRA regulations under section 3001 appear before those under section 3006.

Within each statutory area, the entries are further divided into four categories: (1) Prerule, (2) proposed rule, (3) final rule, and (4) completed actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

I. Prerulemakings

Prerulemaking actions include activities intended to determine whether or how to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action, requests for public comment on the need for regulatory action, or important pre-regulatory policy proposals.

This section also includes existing EPA regulations that are now under review. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, the Agency will list these reviews in the completed section of the agenda. If EPA decides to revise or rescind the regulation, the action will appear in the proposed rule section of the next agenda, which will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and schedule for completing the review. It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to outline the Administration's annual Regulatory Program. It defines priority activities that Federal departments and agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that Federal departments and agencies should review their regulations to ensure that the costs of the regulations are justified by their benefits. The Office of Management and Budget (OMB) reviews agency rules to assess their compliance with the Executive order's goals of maximizing net social benefits.

The Regulatory Flexibility Act (RFA) requires that Federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every 10 years. EPA invites public comment regarding RFA issues on the list of regulations EPA is reviewing.

Reviews EPA has targeted under the RFA are identified under "Analysis." The agenda identifies the types of entities affected under "Small Entities Affected" (business, Government, or organization) and "Government Levels Affected" (State, local, or Federal).

When the Agency completes reviews of regulations with a significant impact on small entities, the agenda indicates whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981, plan (46 FR 36930) for reviewing regulations under the Act.

The *Paperwork Reduction Act* (PRA) requires Federal departments and

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agencies to review their information collection activities to assure that they need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at some other Federal agency. In addition, the PRA requires agencies to review the cost of collecting the information so that it will be held to a minimum for both the respondent and the agencies. Congress gave oversight authority to OMB. EPA must have OMB approval before it either collects information or requires that information be collected.

II. Proposed and Final Rules

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498 or that the Agency has designated for priority development or revision. These regulations are also subject to certain provisions of E.O. 12291, RFA, and PRA.

EPA generally lists regulations in this category of the agenda once they are within a year of proposal or promulgation. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections (the word "revision" will appear in subsections) or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for the first time are marked with bullets (●).

However, the listings exclude (a) specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally) and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:

- Title
- Priority classification (if applicable)
- Legal authority
- CFR reference(s)
- Legal deadline (if applicable)
- Abstract (short description of action)
- Timetable of existing and scheduled actions
- References to small entities and Government levels
- Additional information (includes the FTS phone number for Agency contact, Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes, and any other information that is not included in the abstract)
- Agency contact
- Analysis (indicates if the Agency is preparing a Regulatory Impact Analysis (RIA) and/or an analysis under the RFA).

III. Completed Actions

These are actions that appeared in the previous agenda, which EPA is deleting because they are completed or are no longer under consideration for rulemaking. Information on these regulations is less detailed than for those that are still under consideration. Generally, completed entries include: (1) An explanation of why the Agency is deleting the regulation from the agenda or (2) the **Federal Register** publication date and citation for the final rule.

Dated: February 23, 1990.

Thomas E. Kelly,

Acting Assistant Administrator, Office of Policy, Planning and Evaluation.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3164	SAR No. 2602. Tolerances and Exemptions from Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities or Processed Foods	2070-AC18
3165	SAR No. 2684. Regulation of Pesticidal Transgenic Plants (Revision)	2070-AC02
3166	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60
3167	SAR No. 2567. Registration Data Requirements for Pesticide Product Performance and Companion Pesticide Assessment Guidelines (Revision)	2070-AB82
3168	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
3169	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
3170	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76
3171	SAR No. 2445. Amendments to Experimental Use Permit Rule for Certain Microbial Pesticides (Revision)	2070-AB77
3172	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
3173	SAR No. 2724. Pesticide Data Requirements: Methods for Safe Storage and Disposal	2070-AC11
3174	SAR No. 2725. FIFRA Books and Records of Pesticide Production and Distribution (Revision)	2070-AC07
3175	SAR No. 2687. Pesticide Data Requirements (Revision)	2070-AC12
3176	SAR No. 2659. Storage, Disposal, Transportation, and Recall of Pesticides: Procedures and Standards	2070-AB95
3177	SAR No. 2639. Child-Resistant Packaging Regulations (Revision)	2070-AB96

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3178	SAR No. 2444. Regulations Concerning Pesticide Residues in Food: Procedural Regulations	2070-AB78
3179	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
3180	SAR No. 2720. Policy or Procedures for Notification to the Agency of Stored Pesticides with Cancelled or Suspended Registration	2070-AC08
3181	SAR No. 2554. Interpretative Rule - Advertising Claims Made for Registered Pesticide Products	2070-AB88
3182	SAR No. 2735. Revision of Statement of Policy on FIFRA Section 17(a), Pesticides and Devices Intended for Export	2070-AC09
3183	SAR No. 1640. Worker Protection Standards (Revision)	2070-AA49

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3184	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
3185	SAR No. 2654. Scrap Metal Recycling Regulatory Controls	2070-AC01

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3186	SAR No. 2555. Toxic Chemical "Peak Release" Reporting Rule (Revision)	2070-AB86
3187	SAR No. 2425. Responses to Petitions Received to Add to or Delete Chemicals from the List of Toxic Chemicals Under Section 313 of SARA	2070-AC00
3188	Section 313 Sunset Review Amendments	2070-AC15
3189	Decisions on Test Rules: Proposed Rules	2070-AB07
3190	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB79
3191	SAR No. 2657. Amendments to Test Rules and Consent Agreements	2070-AB97
3192	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
3193	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB61
3194	SAR No. 2561. Proposal to Exempt Certain Microorganisms from PMN Requirements Under TSCA 5(h)(4)	2070-AB89
3195	SAR No. 2760. Premanufacture Notification Rule Amendments	2070-AC14
3196	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
3197	SAR No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyl Disposal Permits	2070-AB81
3198	SAR No. 2750. Polychlorinated Biphenyls: Wet Weight/Dry Weight Clarification	2070-AC16
3199	SAR No. 2779. Use of Acrylamide for Sewer Grouting	2070-AC17
3200	SAR No. 2129. Amendment to the TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AC19

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3201	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
3202	Decision on Test Rules: Final Rules	2070-AB94
3203	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
3204	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
3205	Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
3206	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
3207	SAR No. 2704. Partial Updating of the TSCA Inventory Data Base	2070-AC10
3208	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08
3209	SAR No. 1139. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11

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Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3210	SAR No. 2658. Modification of Toxic Release Reporting Under SARA 313, Title III	2070-AB98
3211	SAR No. 2550. PCB Notification and Manifesting Rule	2070-AB83

Clean Water Act (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3212	SAR No. 2745. Organic Chemicals, Plastics and Synthetic Fibers Effluent Limitations, Pretreatment Standards and New Source Performance Standards	2040-AB65
3213	SAR No. 2304. Notice of Plan to Review and Promulgate Effluent Guidelines/ Regulations	2040-AA90

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3214	SAR No. 2497. Water Quality Standards for Toxic Pollutants	2040-AB56
3215	SAR No. 1649. Effluent Guidelines for Offshore Subcategory of the Oil and Gas Extraction Industry	2040-AA12
3216	SAR No. 1427. Effluent Guidelines for the Pharmaceuticals Industry	2040-AA13
3217	SAR No. 2473. Effluent Guidelines and Standards for Pesticides Manufacturers and for Pesticides Formulator/Packagers	2040-AB32
3218	SAR No. 2712. Effluent Guidelines for Pulp, Paper and Paperboard Industry	2040-AB53
3219	SAR No. 2746. Copper and Beryllium Forming Point Source Effluent Guidelines and Standards	2040-AB71
3220	SAR No. 2747. Oil and Gas Extraction Point Source Category Coastal Subcategory Effluent Limitation Guidelines and New Source Performance Standards	2040-AB72
3221	SAR No. 2805. Waste Treatment Industry Point Source Category Effluent Limitations Guidelines and Standards	2040-AB78
3222	SAR No. 2806. Effluent Guidelines and Standards for Machinery Manufacturing and Rebuilding Category	2040-AB79
3223	SAR No. 2749. National Pollution Discharge Elimination System and Sludge Management State Program Regulations for Indian Tribes	2040-AB70
3224	SAR No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharge into Marine Waters	2040-AB29
3225	SAR No. 2493. NPDES Regulatory Revisions	2040-AB38
3226	SAR No. 2501. NPDES Permit Application Standard Form A and Short Form A (Revision)	2040-AB39
3227	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
3228	SAR No. 2804. Clean Water Act Section 404 Program Definition	2040-AB74
3229	SAR No. 2737. Revisions to Ocean Dumping Regulations for Dredged Material	2040-AB62
3230	SAR No. 2736. Reorganization and Corrections to List of Ocean Dumping Sites	2040-AB63

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3231	SAR No. 2585. Comprehensive Construction Grant Regulation Revision	2040-AB25
3232	SAR No. 2583. Effluent Guidelines for Non-Ferrous Manufacturing (Phase II)	2040-AB31
3233	SAR No. 2462. Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act	2040-AB58
3234	SAR No. 2475. Water Quality Standards—Revision for Indian Tribes	2040-AB36
3235	SAR No. 2744. State Revolving Fund Program Implementation Regulations	2040-AB64
3236	SAR No. 2748. Section 303(d) List of State Waters	2040-AB68
3237	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
3238	SAR No. 2682. Treatment of Indian Tribes as States Under Section 404 of the Clean Water Act	2040-AB69
3239	SAR No. 2162. Sewage Sludge Use and Disposal Regulation	2040-AA74
3240	SAR No. 2515. Citizen Suit Notice Regulation Under the CWA	2040-AB50
3241	SAR No. 2222. De-Designation of Ocean Dumping Sites	2040-AB61

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Clean Water Act (CWA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3242	SAR No. 2342. EPA Administered Programs: NPDES; General Pretreatment Regulations for Existing and New Sources: Proposals to Implement the Domestic Sewage Study	2040-AA99

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3243	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
3244	SAR No. 2617. Estuary Program Grant Regulation	2040-AB54

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3245	SAR No. 2590. Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	2060-AC30
3246	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
3247	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3248	SAR No. 1162. Transuranium Elements	2060-AA01
3249	SAR No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3250	SAR No. 2426. Revisions to the Safe Drinking Water Act's Underground Injection Control Regulations	2040-AB27
3251	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
3252	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
3253	SAR No. 2630. National Primary Drinking Water Regulations: Inorganic and Organic Compounds (Phase V/24 Contaminants)	2040-AB11
3254	SAR No. 2807. National Primary Drinking Water Regulations: Arsenic	2040-AB75
3255	SAR No. 2803. Drinking Water Laboratory Certification Regulations	2040-AB80
3256	SAR No. 2772. National Primary Drinking Water Regulations: Contaminants from First Drinking Water Priority List (Phase VI)	2040-AB82
3257	SAR No. 2782 (VOCS); SAR No. 2781 (e. coli). Revision of Analytical Methods Under SDWA	2040-AB84
3258	SAR No. 2765. Osage Mineral Reserve Underground Injection Control Program (Revision)	2040-AB76
3259	SAR No. 2784. Construction Requirements for Class II (Oil and Gas Related Wells) Under Part C of the SDWA	2040-AB77
3260	SAR No. 2778. Management of Class V Injection Wells Under Part C of the Safe Drinking Water Act	2040-AB83

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Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3261	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
3262	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants (Phase II, 38 Contaminants)	2040-AA55
3263	SAR No. 2610. National Primary Drinking Water Regulations: Lead and Copper	2040-AB51
3264	SAR No. 2785. Drinking Water Priority List of Additional Substances Which May Require Regulation Under the Safe Drinking Water Act	2040-AB81
3265	SAR No. 2381. Public Water Supply Supervision Program, Administrative Enforcement Implementation Procedures	2040-AB07
3266	SAR No. 2717 State-Administered UIC Programs; Incorporation by Reference Update	2040-AB60

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3267	SAR No. 2489. Revision to Public Water System Supervision (PWSS) State Primacy Requirements	2040-AB26

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3268	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3269	SAR No. 2434. Management of Used Oil	2050-AC17
3270	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC40
3271	SAR No. 2651. Determination on Solid Waste from Selected Metallic Ore Processing Operations	2050-AC41

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3272	SAR No. 2634. Oil Pollution Prevention Regulation	2050-AC62
3273	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
3274	SAR No. 2524. No-Migration Variance for Restricted Hazardous Waste Land Disposal	2050-AC44
3275	SAR No. 2780. Causes for Permit Modifications to Hazardous Waste Management Facilities	2050-AD05
3276	SAR No. 2494. Municipal Waste Combustor Ash Management	2050-AC24
3277	SAR No. 2482. Identification and Listing of Hazardous Wastes - De Minimis Exemption Levels	2050-AC30
3278	SAR No. 2635. Exclusions for Waste Generated On-Board Ships (Revision)	2050-AC61
3279	SAR No. 2716. Identification and Listing of Hazardous Wastes from Chlorotoluene Production	2050-AC84
3280	SAR No. 2227. Identification and Listing of Hazardous Wastes from Coke By-Product Industries	2050-AC85
3281	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB42
3282	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80
3283	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
3284	SAR No. 2453. Emission Controls for Hazardous Waste Incinerators	2050-AB90

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Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3285	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
3286	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
3287	SAR No. 2503. Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units	2050-AC28
3288	SAR No. 2570. Modification of the Definition of Wastewater Treatment Unit	2050-AC66
3289	SAR No. 2647. RCRA Subtitle C Financial Test Criteria (Revision)	2050-AC71
3290	SAR No. 2664. Definition of Hazardous Waste Tank, Surface Impoundment and Waste Pile (Revision)	2050-AC72
3291	SAR No. 2675. Hazardous Waste Sump Requirements in Response to Rulemaking Petition (Revision)	2050-AC79
3292	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Ground Water Monitoring	2050-AC05
3293	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
3294	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
3295	SAR No. 2761. Financial Test for Local Governments that Own/Operate Municipal Solid Waste Landfills	2050-AD04
3296	SAR No. 2751. Adequacy Determinations for State Solid Waste Programs	2050-AD03
3297	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances - Financial Responsibility Requirements	2050-AC15
3298	SAR No. 2642. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Financial Test for Self Insurance for Local Government Entities	2050-AC67
3299	SAR No. 2741. Technical Amendment to Final Underground Storage Tank Rules for Overfill Prevention	2050-AC97

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3300	SAR No. 2653. Medical Waste Demonstration Tracking Program	2050-AC74
3301	SAR No. 2226. Identification and Listing of Hazardous Wastes - Petroleum Refinery Primary Treatment Sludge	2050-AB70
3302	SAR No. 2174. Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Waste	2050-AC43
3303	SAR No. 2575. RCRA Definition of Solid Waste (Revision)	2050-AC68
3304	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
3305	SAR No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846) Incorporation by Reference and Mandatory Good Laboratory Practices	2050-AC32
3306	SAR No. 2622. Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions: Use of Groundwater Data in Delisting Decisions	2050-AC65
3307	SAR No. 1954. Identification and Listing of Hazardous Wastes: Dimethyl Hydrazine	2050-AC91
3308	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AA34
3309	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
3310	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
3311	SAR No. 2277. Amendments to Ground-Water Monitoring at Hazardous Waste Facilities	2050-AB20
3312	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
3313	SAR No. 2523. Land Disposal Restrictions for the Third Third of Scheduled Wastes	2050-AC73

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3314	SAR No. 2157. Identification and Listing of Hazardous Waste - Methyl Bromide	2050-AC60
3315	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
3316	SAR No. 2058. Forty-Seven Analytical Methods Approved for Subtitle C RCRA Hazardous Waste Testing	2050-AC80
3317	SAR No. 1854. Identification and Listing of Hazardous Wastes: Chlorinated Aliphatic Wastes	2050-AC92
3318	SAR No. 2676. Amendment to the FO19 Hazardous Waste Listing to Exclude Wastewater Treatment Sludges from Zirconium Phosphating in the Aluminum Can Washing Process	2050-AC78
3319	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units	2050-AC20
3320	SAR No. 2641. Underground Storage Tanks Containing Petroleum—Financial Responsibility Requirements; Suspension of Enforcement Procedures	2050-AC63

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Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3321	SAR No. 2793. Protection of Stratospheric Ozone (Recycling)	2060-AC80
3322	SAR No. 1004. NAAQS: Nitrogen Dioxide (Review)	2060-AC06
3323	SAR No. 2762. NAAQS: Carbon Monoxide (Review)	2060-AC07
3324	SAR No. 2792. Approval and Promulgation of Implementation Plans: Revision of the Visibility FIP for Arizona	2060-AC82
3325	NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants (Review)	2060-AC21
3326	SAR No. 1869. NESHAP: Cadmium	2060-AB92
3327	SAR No. 2727. Emissions Control System Defect Warranty Regulations	2060-AC77
3328	SAR No. 2365. Fuel and Fuel Additives: Health and Emissions Effects Testing	2060-AC10
3329	SAR No. 2769. Control of Air Toxics from Motor Vehicles	2060-AC75

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3330	SAR No. 2726. Alternative Fuel Corporate Average Fuel Economy Labeling Requirements	2060-AC78
3331	SAR No. 2295. Protection of Stratospheric Ozone (Phase-Out)	2060-AC84
3332	SAR No. 1919. NAAQS: Lead (Review)	2060-AA95
3333	SAR No. 1920. NAAQS: Ozone (Review)	2060-AA96
3334	SAR No. 2577. NAAQS: Fine Particulate Matter	2060-AC32
3335	SAR No. 2608. New Source Review Requirements—CMA Exhibit B	2060-AC54
3336	SAR No. 1931. NSPS: SOCMI Reactor Processes	2060-AB55
3337	SAR No. 2535. NSPS: Municipal Landfills	2060-AC42
3338	SAR No. 2719. NSPS: Medical Waste Incineration	2060-AC69
3339	SAR No. 1686. NESHAP: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
3340	SAR No. 1714. NESHAP: Asbestos Revision (Risk Reduction)	2060-AB51
3341	SAR No. 2386. NESHAP: Chromium—Industrial Cooling Towers	2060-AC12
3342	SAR No. 2386. NESHAP: Chromium—Electroplating	2060-AC14
3343	SAR No. 2363. NESHAP: Hazardous Organics	2060-AC19
3344	SAR No. 2360. NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
3345	SAR No. 2484. NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28
3346	SAR No. 1695. NESHAP: Organic Solvent Degreasing	2060-AC31
3347	SAR No. 2557. Guideline on Air Quality Models (Revision)	2060-AC43
3348	SAR No. 2704. On-Board Vehicle Based Diagnostic System Requirement	2060-AC65
3349	SAR No. 2287. Emission Standards for Light-Duty Trucks (Revision)	2060-AB85
3350	SAR No. 2766. Revisions to Regulations for Gas Guzzler Tax	2060-AC76
3351	Emissions Standards for New Motor Vehicles and Motor Vehicle Engines Fueled with Compressed Natural Gas or Liquified Petroleum Gas	2060-AC79
3352	SAR No. 2665. Amendments to Motor Vehicle Imports Regulations Pertaining to Canadian Vehicles	2060-AC58
3353	SAR No. 2660. Interim Cold Ambient Air Temperature Carbon Monoxide Emission Standards	2060-AC59
3354	SAR No. 2589. Revisions to the Stack Height Regulation	2060-AC60
3355	SAR No. 2431. Nonconformance Penalties for 1991 Through 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	2060-AC39
3356	SAR No. 2629. General Requirements for Determination of Gasoline Metal Content	2060-AC52
3357	SAR No. 2604. Fuel and Fuel Additives: Enforcement of Section 211(f)(4) Waivers	2060-AC53
3358	SAR No. 2728. Revisions to Regulations on Registration of Fuel and Fuel Additives	2060-AC74
3359	SAR No. 2690. Radon User Fees	2060-AC66

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3360	SAR No. 5440. State Implementation Plans: Attainment Status Designations	2060-AC56
3361	SAR No. 1002. NAAQS: Sulfur Oxides (Review)	2060-AA61
3362	SAR No. 2428. Federal Promulgation of State Implementation Plan to Protect Visibility	2060-AB82
3363	SAR No. 1618. NSPS: SOCMI Air Oxidation Process	2060-AA30
3364	SAR No. 1733. NSPS: SOCMI Distillation Operations	2060-AA35

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Clean Air Act (CAA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3365	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
3366	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
3367	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
3368	SAR No. 2239. NSPS: Small Boilers	2060-AB95
3369	SAR No. 2559. State Implementation Plans: Policy on Post-1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards	2060-AB96
3370	SAR No. 2424. NSPS: Municipal Waste Combustors	2060-AC26
3371	SAR No. 2285. NSPS: Calciners and Dryers	2060-AC67
3372	SAR No. 2543. Rural Fugitive Dust Policy for PM10	2060-AC44
3373	SAR No. 1714. NESHAP for Asbestos (Compliance Revisions)	2060-AC57
3374	SAR No. 2491. PSD Increments for PM10	2060-AC33
3375	SAR No. 2384. Motor Vehicle Test Procedures for Evaporative Hydrocarbons (Revision)	2060-AC64
3376	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB89
3377	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
3378	SAR No. 1315. Trading and Banking of Heavy-Duty Engine NOx and PM Emission Credits	2060-AC05
3379	SAR No. 2637. Alternative Test Procedure for the Voluntary Aftermarket Part Certification Program	2060-AC50
3380	SAR No. 2638. Motor Vehicle Emissions Performance Warranty Short Tests	2060-AC51
3381	SAR No. 2366. Diesel Fuel Quality Standards	2060-AC00
3382	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3383	SAR No. 2679. Protection of Stratospheric Ozone	2060-AC09
3384	SAR No. 2298. New Source Review Requirements—Surface Coal Mines and Fugitive Emissions	2060-AC40
3385	SAR No. 1010. NSPS: Organic Solvent Degreasing	2060-AA12
3386	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
3387	SAR No. 1695. NSPS: Organic Solvent Degreasing (111d)	2060-AA33
3388	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
3389	SAR No. 2181. NESHAP: Chromium	2060-AB83
3390	SAR No. 2386. NESHAP: Chromium—Comfort Cooling Towers	2060-AC13
3391	SAR No. 2547. NESHAP: Radionuclides	2060-AC47
3392	NESHAP: Benzene Litigation	2060-AC68
3393	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
3394	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08

Superfund (CERCLA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3395	SAR No. 2758. Addition of Chemicals to the List of Extremely Hazardous Substances Based on Their Physical Properties	2050-AD02

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3396	SAR No. 2702. Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cost Recovery	2050-AC98
3397	SAR No. 2650. National Contingency Plan-Subpart K: A Roadmap to the NCP for Federal Facilities	2050-AC76
3398	SAR No. 2498. Administrative Hearing Procedure for Superfund Claims	2050-AC26

EPA

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3399	SAR No. 2336. Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances	2050-AB62
3400	SAR No. 2429. Reportable Quantities (RQs) for Substances on the Extremely Hazardous Substances List	2050-AC14
3401	SAR No. 2411. Reporting Continuous Releases of Hazardous Substances	2050-AA46
3402	SAR No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances	2050-AB82
3403	SAR No. 2538. Procedures for Planning and Implementing Off-Site Response Actions	2050-AC35
3404	SAR No. 2566. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
3405	SAR No. 2688. National Priorities List for Uncontrolled Hazardous Waste Sites Update 9	2050-AC99
3406	National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites - Update 10	2050-AD01
3407	SAR No. 2564. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
3408	SAR No. 2401. Technical Assistance Grants to Groups of Individuals at Superfund Sites	2050-AC10
3409	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
3410	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
3411	SAR No. 2644. Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements; Implementation of Reporting Requirements for Indian Lands	2050-AB88
3412	SAR No. 2512. Administrative Hearing Procedures for Class II Penalties Under CERCLA and Emergency Planning and Community Right-to-Know Act	2050-AC39
3413	SAR No. 2615. Prior Notice of Citizen Suits Under CERCLA and the Emergency Planning and Community Right-to-Know Act	2050-AC70

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3414	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	2050-AA75
3415	SAR No. 5358. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7; Health Advisory Sites	2050-AC16
3416	SAR No. 5434. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 6	2050-AC47
3417	SAR No. 5357. National Priorities List for Uncontrolled Hazardous Waste Sites - RCRA Sites	2050-AC48
3418	SAR No. 2667. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 8	2050-AC81
3419	National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites - Update (Health Advisory Sites)	2050-AD00
3420	SAR No. 2674. Delisting Certain Chemicals from the List of Extremely Hazardous Substances (Revision)	2050-AC77

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3421	SAR No. 0952. Evaluation Procedure for Award of Fixed Price Contracts for Commercial Supplies and Services	2030-AA09
3422	SAR No. 0951. Contractor Compliance with Information Resources Management Directives	2030-AA10
3423	SAR No. 0950. Miscellaneous Delegations from the Contracting Authority	2030-AA11
3424	SAR No. 2740. Data Rights	2030-AA16
3425	SAR No. 2739. Claiming Billing Information as Confidential Information	2030-AA17
3426	SAR No. 2662. Amendments to Part 22 Consolidated Procedural Rules	2020-AA13
3427	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
3428	SAR No. 2536. Procedures and Requirements Implementing the National Environmental Policy Act for the EPA's Research and Development Program and for Public and Other Federal Agency Involvement	2030-AA14
3429	SAR No. 2790. Monthly Progress Reports and Invoices	2030-AA19
3430	SAR No. 2791. Instructions for Preparation of Cost or Pricing Proposals	2030-AA20
3431	SAR No. 2788. Advisory and Assistance Services	2030-AA21

EPA

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3432	SAR No. 0949. Implementation of Federal Acquisition Regulation Coverage on Ratification of Unauthorized Commitments	2030-AA12
3433	SAR No. 2683. Payment of Fee on Term Form Contracts	2030-AA15
3434	SAR No. 2738. Billing Requirements for EPA Contractors	2030-AA18
3435	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistance From the EPA (Revision)	2090-AA09
3436	SAR No. 2652. EPCRA Inspection Authority and Procedures	2020-AA15
3437	SAR No. 2789. Duplication of Work	2030-AA23
3438	SAR No. 2476. Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2030-AA22

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3439	SAR No. 2551. Environmental Protection Agency Acquisition Regulation (EPAAR); Submission of General Financial and Organizational Information, and Purchasing System Information by Offerors	2030-AA06

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3164. ● TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES OR PROCESSED FOODS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a)/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 177 to 180; 40 CFR 185 to 186

Legal Deadline: None

Abstract: This rule will set the criteria, interpretations, and categorizations the Agency will follow in establishing tolerances and food additive regulations under Sections 408 and 409 of FFDCA (USC 348) for pesticides and residues in or on raw agricultural commodities (RAC's) or processed foods. These regulations will restate, update, and/or clarify practices that have been developed over many years, some of which have never been codified.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

Additional Information: SAR No. 2602.

FTS:8-557-7700.

Agency Contact: Rosalind Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7700

RIN: 2070–AC18

3165. REGULATION OF PESTICIDAL TRANSGENIC PLANTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 2; 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: EPA will consider the need for an amendment to clarify that chemical pesticides produced by or within pesticidal transgenic plants are not considered biological pest control agents and, therefore, may not be exempt from the provisions of FIFRA (the existing section 152.20 exempts from FIFRA regulation all plants that may be used as biological pest control agents). Instead, chemical pesticides produced by transgenic plants may receive regulatory oversight similar to that which is already in place for chemical pesticide products that are produced and applied by conventional means. This regulation and its development will be coordinated with USDA/APHIS and other agencies, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM or Policy Statement	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2684.

FTS:8-557-9307.

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7437

RIN: 2070–AC02

3166. RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136d/FIFRA 6; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of the potential to leach into groundwater. The Agency will propose criteria for classifying such pesticides for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2351.

FTS:8-557-0595.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508C), Washington, DC 20460, 703 557-0595

RIN: 2070–AB60

3167. REGISTRATION DATA REQUIREMENTS FOR PESTICIDE PRODUCT PERFORMANCE AND COMPANION PESTICIDE ASSESSMENT GUIDELINES (REVISION)

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 158.640

Legal Deadline: None

Abstract: The Agency may change pesticide producer requirements for submission of qualitative and quantitative product performance data relative to other chemical or non-chemical practices. These data will be incorporated into benefit analyses and in preparing regulatory options the Agency uses in making risk benefit decisions. Companion revised guidelines will provide protocols and produce acceptable comparative performance data. Registrants may experience cost increases to support registration of pesticide products. The benefits should be substantial in the form of better and more uniform data on pesticide product performance.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2567.

FTS:8-557-2318.

Agency Contact: Bernard A. Schneider, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7503C), Washington, DC 20460, 703 557-2318

RIN: 2070–AB82

3168. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 7 USC 136b/FIFRA 4; 7 USC 136j/FIFRA 12; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171.12

Legal Deadline: None

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of State plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2337.

FTS:8-557-7372.

Agency Contact: Robert Bielarski, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7372

RIN: 2070–AB48

3169. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 7 USC 136a/FIFRA 4; 7 USC 136b/FIFRA 4; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirement need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information: SAR No. 2446.

FTS:8-557-7372.

Agency Contact: John McDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7372

RIN: 2070–AB75

3170. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with

Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2406.

FTS:8-557-7372.

Agency Contact: John McDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7372

RIN: 2070–AB76

3171. AMENDMENTS TO EXPERIMENTAL USE PERMIT RULE FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136c /FIFRA 5; 7 USC 136a/FIFRA 3

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: EPA proposes to amend its experimental use permit regulations for pesticides to clarify the circumstances under which an experimental use permit is presumed not to be required and the basis for that presumption. EPA also proposes to require notification before initiation of small-scale testing of certain genetically modified microbial pesticides. Each notification will be reviewed by the Agency, and a determination made as to whether an experimental use permit will be required. This notification scheme would implement provisions of the Agency's policy statement of June 26, 1986 (51 FR 23302), with some modifications, and is intended to provide sufficient oversight of the early testing of certain microbial pesticides.

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7026
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2445.

FTS:8-557-7437.

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-7437

RIN: 2070–AB77

3172. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is reissuing it as a proposal to clarify the types of information which registrants must report to EPA.

Timetable:

Codified Interpretive Rule	
Final Action	09/20/85 (50 FR 38115)
Enforcement Policy	
Final Action	07/12/79 (44 FR 40716)
Interpretive Rule	
Final Action	08/23/78 (43 FR 37611)
NPRM	04/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2338.

FTS:8-557-0595.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508C), Washington, DC 20460, 703 557-0595

RIN: 2070–AB50

3173. PESTICIDE DATA REQUIREMENTS: METHODS FOR SAFE STORAGE AND DISPOSAL

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3, FIFRA 6, FIFRA 19

CFR Citation: 40 CFR 158; 40 CFR 165

Legal Deadline: None

Abstract: EPA is authorized to issue regulations to specify the types and minimum amounts of data the Agency requires to support the registration or continued registration of a pesticide, and for other purposes. This rule may specify the necessary information and data EPA would require regarding methods for the safe storage and disposal of pesticides. The data requirements table and supporting information would become a part of existing 40 CFR 158.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2724.

FTS:8-557-5734.

Agency Contact: Robert Holst, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-5734

RIN: 2070–AC11

3174. FIFRA BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION (REVISION)

Legal Authority: 7 USC 136f/FIFRA Section 8

CFR Citation: 40 CFR 169

Legal Deadline: None

Abstract: This action may change the requirements for registrants and applicants records under FIFRA Section 8. It will also examine recordkeeping affected by the 1988 amendments to FIFRA and amend 40 CFR 169, as necessary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2725.

FTS:8-475-7786.

EPA—FIFRA **Proposed Rule Stage**

Agency Contact: Steve Howie, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, **202 475-7786**

RIN: 2070–AC07

3175. PESTICIDE DATA REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 13/FIFRA 3, 4, and 5

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: This amendment may update the existing current data requirements (40 CFR 158) for evaluating the registrability of pesticide products. Recent health and environmental concerns (e.g., groundwater contamination, worker exposure and neurotoxicity) and advancements in testing technology. Also, the revisions may clarify data requirements to reflect current practice.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2687.

FTS:8-557-7695.

Agency Contact: Amy Rispin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, **703 557-7695**

RIN: 2070–AC12

3176. STORAGE, DISPOSAL, TRANSPORTATION, AND RECALL OF PESTICIDES: PROCEDURES AND STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: Final, Statutory, December 24, 1991.

Abstract: The 1988 amendments to FIFRA significantly expand EPA authority to regulate the storage, transportation, and disposal of pesticides. The Agency may exercise this authority through labeling provisions, procedures for recall of canceled products, and other regulations for storage, transport, and disposal of pesticide residues. EPA is required to conduct a study of container design and rinsate handling, and submit a Report to Congress by 12/24/90. Container design regulations must be issued by 12/24/91.

Timetable:

Action	Date	FR Cite
NPRM (Container Design, Storage, Disposal, Transportation and Recall of Pesticides)	12/00/90	
Final Action (Container Design, Storage, Disposal, Transportation and Recall of Pesticides)	12/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2659.

FTS:8-557-7695.

Agency Contact: Paul F. Schuda, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, **703 557-7695**

RIN: 2070–AB95

3177. CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157; 16 CFR 1700.15; 16 CFR 1700.20

Legal Deadline: None
EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with 6 CRP protocol testing revisions the CPSC is proposing for its CRP regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2639.

FTS:8-557-7700.

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, **703 557-7700**

RIN: 2070–AB96

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) **Final Rule Stage**

3178. REGULATIONS CONCERNING PESTICIDE RESIDUES IN FOOD: PROCEDURAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346a/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 177 to 180

Legal Deadline: None

Abstract: This regulation will set forth procedures through which food additive tolerances, required by Section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be established, modified or revoked. The proposal also covers procedural rules governing the filing of objections, requests for hearings and hearing procedures under FFDCA Sections 408 and 409. In a second rulemaking which will overlap with this one, the Agency plans to develop a unified regulation that will deal with the substantive interpretations and criteria for

establishing or amending a tolerance or food additive regulation (see separate entry in this Agenda).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41126
FFDCA Section 408/409 Procedural Rules Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2444.

FTS:8-557-7700.

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB78

3179. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136d/FIFRA 6; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2289.

FTS:8-557-0944.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508C), Washington, DC 20460, 703 557-0944

RIN: 2070–AB46

3180. POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELLED OR SUSPENDED REGISTRATION

Legal Authority: 7 USC 136 / FIFRA 6

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This policy will implement the requirements of section 6(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The policy will provide procedures for certain persons who possess cancelled or suspended pesticides to notify the EPA and State and local officials of (1) such possessions; (2) the quantity possessed; and (3) the place the pesticide is stored.

Timetable:

Action	Date	FR Cite
Final Policy	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2720.

FTS:8-382-7825.

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070–AC08

3181. INTERPRETATIVE RULE - ADVERTISING CLAIMS MADE FOR REGISTERED PESTICIDE PRODUCTS

Legal Authority: 7 USC 136j /FIFRA 12

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: This rule interprets FIFRA section 12(a)(1)(B) which provides for the regulation of claims made when advertising registered pesticide products. The rule will establish standards for acceptable advertising claims with respect to claims made about the safety and efficacy of the product.

Timetable:

Action	Date	FR Cite
Codified Interpretative Rule Final Action	11/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2554.

FTS:8-557-7443.

Agency Contact: Jean Jenkins, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7443

RIN: 2070–AB88

3182. REVISION OF STATEMENT OF POLICY ON FIFRA SECTION 17(A), PESTICIDES AND DEVICES INTENDED FOR EXPORT

Legal Authority: 7 USC 136 / FIFRA 17

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action will revise the Statement of Policy regarding the export of unregistered pesticides to improve compliance to improve monitoring. Changes will be incorporated to improve recognition and response to potential violations of FIFRA 17(a).

Timetable:

Action	Date	FR Cite
Proposed Policy Statement	02/12/90	55 FR 4967
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 735.

FTS:8-475-7786.

Agency Contact: Steve Howie, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), 202 475-7786

RIN: 2070–AC09

3183. WORKER PROTECTION STANDARDS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136j/FIFRA 26; 7 USC 136w(a)/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The Worker Protection Standards for agricultural pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve

EPA—FIFRA **Final Rule Stage**

implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	07/08/88	53 FR 25970
Final Action	09/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1640. FTS:8-557-7666.

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7666

RIN: 2070–AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Prerule Stage

Toxic Substances Control Act (TSCA)

3184. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2608/TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration, and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some cases, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with the solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113 which is now being phased out due to its ozone depletion characteristics) and their potential substitutes. Work on two exposure categories has been completed and actions have been initiated under other statutes (Clean Air Act or Occupational Safety and Health Act). This regulatory investigation is currently focused on two remaining (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2284. FTS:8-382-3777.

ABSTRACT CONT: categories: paint stripping and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to control any unreasonable risks from solvents used in these two applications.

Agency Contact: Larry Dorsey, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3777

RIN: 2070–AB41

3185. SCRAP METAL RECYCLING REGULATORY CONTROLS

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Processing, distribution in commerce, and disposal activities by the scrap metal recycling industry are resulting in some releases of PCBs (and other hazardous substances such as lead) at levels exceeding current regulatory action levels. The problem may affect all media (air, land, and water) and workers. Regulatory options under consideration focus on the mandate of both the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA). Options include 1) mechanisms to provide relief to the shredding industry such as authorizing PCB-related activities that do not present an unreasonable risk, and 2) the feasibility of using TSCA to render output of shredding non-hazardous under RCRA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2654. FTS:8-382-3971.

Analysis: Undetermined

Agency Contact: Larraine Perry, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3971

RIN: 2070–AC01

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Toxic Substances Control Act (TSCA)

3186. TOXIC CHEMICAL "PEAK RELEASE" REPORTING RULE (REVISION)

Legal Authority: 42 USC 11013 /SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add a "peak release" reporting element to the Toxic Chemical Release Inventory Reporting Form. Current reporting of releases is of annual aggregate releases to all environmental media. The proposal addresses the issue of obtaining more specific indication of frequency and/or duration of releases in order to better assess risks to health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2555.

FTS:8-382-3667.

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AB86

3187. RESPONSES TO PETITIONS RECEIVED TO ADD TO OR DELETE CHEMICALS FROM THE LIST OF TOXIC CHEMICALS UNDER SECTION 313 OF SARA

Legal Authority: 42 USC 11013/SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: NPRM, Statutory. Other, Statutory.
For each of these petitions the Agency must either initiate rulemaking or provide an explanation for the denial in the Federal Register within 180 days.

Abstract: These actions grant or deny petitions received to add or delete chemicals from the list of toxic chemicals under Section 313 of SARA. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAR No. 2425.

FTS: 8-382-3667.

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AC00

3188. ● SECTION 313 SUNSET REVIEW AMENDMENTS

Legal Authority: 42 USC 11013/SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The final rule implementing Section 313 allowed releases of toxic chemicals less than 1000 pounds to be reported in ranges. Also, the reporting form included an optional reporting section on waste minimization activities. Both of these sections will "sunset" after the 1989 reporting year unless the Agency takes action to retain them. These proposed amendments will address these reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information:

FTS:8-382-3667.

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AC15

3189. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: Other, Statutory. 12-month statutory deadline for ITC-designated chemicals

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

Aryl Phosphates (ITC List 2) (SAR 5369)
ANPRM 12/29/83 (40 FR 57452)
NPRM 00/00/00
Brominated Flame Retardants
NPRM 01/00/91
Ethoxylated Quaternary Ammonium Compounds (SAR 5456)
NPRM 12/00/90
Glycidols (ITC List 3) (SAR 5375)
ANPRM 12/30/83 (48 FR 57562)
NPRM 00/00/00
Imidazolium Quaternary Ammonium Compounds (SAR 5455)
NPRM 12/00/90
N-Methylpyrolidone(SAR 2757)
NPRM 03/00/90
4-Vinylcyclohexane
NPRM/Consent Order 12/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

SAR Nos. listed next to each action.

FTS:8-475-8130.

The following rule was deleted from the NPRM list of Test Rules: Disperse Red 60 (ITC List 21, SAR 5368, Withdrawn by ITC).

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB07

3190. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: The regulation will set forth the policies and procedures for using the TSCA Section 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act (SARA).

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2563.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB79

3191. AMENDMENTS TO TEST RULES AND CONSENT AGREEMENTS

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This action will amend the testing consent order process to increase its efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2657.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB97

3192. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2/T 5 SCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of manufacture or process for a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2247.

FTS:8-382-3374.

Agency Contact: James Alwood, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3374

RIN: 2070–AB56

3193. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act (TSCA), the Agency is proposing two separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit notices prior to testing new microorganisms in the environment. This amendment will require reporting for new microorganisms and will establish a special notification mechanism for experimental releases of microorganisms. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would ensure that EPA will receive for review, notices of large scale releases of other microorganisms developed for significant new uses, and will review small-scale environmental releases. The primary objective of these actions is to ensure uses of microorganisms in the environment do not affect human health and the environment in unforeseen and possible harmful ways.

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7027
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information:

SAR No. 2325 (SNUR for Certain Biotech Products); SAR No. 2326 (PMN for Certain Biotech Products).

FTS:8-382-3856.

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB61

3194. PROPOSAL TO EXEMPT CERTAIN MICROORGANISMS FROM PMN REQUIREMENTS UNDER TSCA 5(H)(4)

Significance: Regulatory Program

Legal Authority: 15 USC 1504/TSCA 5

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act (TSCA), the Agency will propose to exempt from review new microorganisms used in certain contained systems. The Agency considers it a priority to exempt from consideration organisms that can be shown to meet the statutory requirements under Section 5(h)(4) of TSCA. To meet those requirements, it must be shown that the substances will not present unreasonable risks. EPA is considering public comment received and other evidence concerning use of microorganisms in closed systems and other controlled environments to determine whether those categories satisfy the requirements of Section 5(h)(4) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAR No. 2561.

FTS:8-382-3856.

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB89

3195. ● PREMANUFACTURE NOTIFICATION RULE AMENDMENTS

Legal Authority: 15 USC 2604, 2607, 2613/TSCA 5

CFR Citation: 40 CFR 720 to 723

Legal Deadline: None

Abstract: This action will amend the premanufacture notification (PMN) rule (40 CFR 720 to 723) under Section 5 of the Toxic Substances Control Act (TSCA) to conform to current policy needs. These changes are necessary to increase efficiency and incorporate proposed program improvements. They are expected to reduce the administrative burdens/cost of the New Chemicals Program and the overall number of Section 5 submissions while maintaining an effective and environmentally sound program. The New Chemicals Program has identified "low-risk" categories that meet certain established criteria and can be screened out of the full PMN review process at an early date based on low health/environmental concern or low exposure scenarios. The New Chemicals Program would like to provide relief to PMN submitters and maximize its efficiency and resources by modifying the rule to reduce reporting requirements for low risk categories. This would enable the Agency to reduce the number of Section 5 submissions to allow the New Chemicals Program to concentrate its resources on PMNs with potential health or environmental concerns and at the same time ensure an environmentally sound program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2760.

FTS:8-382-3725.

Agency Contact: Lawrence Culleen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3725

RIN: 2070–AC14

3196. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for reducing the exposure to formaldehyde of: (1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes; (2) similarly exposed residents of conventional homes; (3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. When OSHA proposed a revised workplace standard in December 1985 that applies to all occupational exposure, EPA terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2146.

FTS:8-382-2134.

Agency Contact: George Semeniuk, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-2134

RIN: 2070–AB14

3197. PROCEDURES AND CRITERIA FOR TERMINATION OF POLYCHLORINATED BIPHENYL DISPOSAL PERMITS

Legal Authority: 15 USC 2605/TSCA 6; 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of TSCA, the Agency is considering establishing uniform procedures and criteria for the revocation and suspension of TSCA disposal permits. The regulation would establish uniform revocation procedures and criteria and thereby ensure consistency in permit revocation proceedings.

EPA—TSCA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2560.

FTS:8-382-3788.

Agency Contact: Larraine Perry, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3788**

RIN: 2070–AB81

3198. ● POLYCHLORINATED BIPHENYLS: WET WEIGHT/DRY WEIGHT CLARIFICATION

Legal Authority: 15 USC 2605/TSCA 6(e); 5 USC 556/et seq

CFR Citation: 40 CFR 761.1(b)

Legal Deadline: None

Abstract: Under Section 6(e) of TSCA, the Agency is proposing to reinstate the phrase "on a dry weight basis" to 40 CFR 761.1(b). This phrase was inadvertently omitted from the PCB final rule that was published in the Federal Register on July 10, 1984 (49 FR 28172).

Timetable:

Action	Date	FR Cite
NPRM (Technical Amendment)	09/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2750.

FTS:8-382-3961.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3961**

RIN: 2070–AC16

3199. ● USE OF ACRYLAMIDE FOR SEWER GROUTING

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR Not Yet Determined

Legal Deadline: None

Abstract: EPA is examining the use of Acrylamide for sewer grouting and the neurotoxic and possible carcinogenic risks to workers. Significant dermal and inhalation exposures to grouters may occur even while using personal protective equipment. This investigation may lead to the initiation of various regulatory controls to reduce any unreasonable risks. EPA will consult with other appropriate Federal agencies, including OSHA.

Timetable:

Action	Date	FR Cite
TSCA Action	10/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2779.

FTS:8-245-4028.

Agency Contact: Dave Albright, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 245-4028**

RIN: 2070–AC17

3200. ● AMENDMENT TO THE TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Legal Authority: 15 USC 2607(a)/TSCA 8(a)

CFR Citation: 40 CFR 704 (Revision)

Legal Deadline: None

Abstract: This proposed rule will amend certain aspects of the CAIR. The CAIR is a model rule designed to gather production, use, and exposure information from chemical manufacturers, importers, and processors of listed chemical substances and mixtures. In response to public comments, EPA is considering revision of the CAIR to: establish exemptions for small and "de minimis" volumes; refine trade name reporting requirements; reduce certain advance substantiation requirements for Confidential Business Information (CBI) claims; and define processing activities using processor subclasses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2129.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washingtn, DC 20460, **202 382-3436**

RIN: 2070–AC19

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Final Rule Stage

Toxic Substances Control Act (TSCA)

3201. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) which allowed for rulemaking to be conducted in a single phase (i.e., rules covering both the effects for which testing is necessary and the testing methodology) and added consent orders as a means of obtaining test data required under Section 4 of TSCA. This rule will simplify the procedures governing the development and implementation of testing requirements under 2-phase rulemaking, and amend the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements.

EPA—TSCA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	09/01/89	54 FR 36311
Interim Final Rule (Technical Modification)	12/00/90	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB30

3202. DECISION ON TEST RULES: FINAL RULES

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under TSCA section 4. The Agency defines final action as promulgation of a test rule or withdrawal of a proposed test rule. (See also Decisions on Test Rules: Proposed Rules under RIN: 2070-AB07.)

Timetable:

C.I. Disperse Blue 79 (ITC List 19) (SAR 5370)
Final Action/Consent Order 11/21/89 (54 FR 48102)

Crotonaldehyde (ITC List 22) (SAR 5454)
Final Action/Consent Order 11/09/89 (54 FR 47662)

Cyclohexane (ITC List 18) (SAR 5391)
NPRM 05/20/87 (52 FR 19096)
Final Action 04/00/90

Diethylene glycol butyl ether acetate (ITC List 13) (SAR 5392)
ANPRM 11/19/84 (49 FR 45606)
NPRM 08/04/86 (51 FR 27880)
Final Action 02/26/88 (53 FR 5932)

Hexamethylene Diisoyanate (ITC List 22) (SAR 5453)
NPRM 05/17/89 (54 FR 21240)
Final Action 00/00/00

Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Final Action 10/23/89 (54 FR 43252)

Phenylenediamines (ITC List 6) (SAR 5382)
NPRM 01/06/86 (51 FR 472)
NPRM 01/14/88 (53 FR 913)
Final Action 11/30/89 (54 FR 49285)

Tributyl Phosphate (ITC List 19) (SAR 5383)
Final Action 08/14/89 (54 FR 33400)

1,1,1-Trichloroethane (muta neuro) (ITC List 2)
Final Action/Consent Order 08/24/89 (54 FR 34991)

2,6 Di-tert-butylphenol (ITC List (SAR 5394)4)
NPRM 06/25/87 (52 FR 23862)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

See SAR number listed next to each action.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB94

3203. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Action	Date	FR Cite
NPRM (2,4-Pentanedione)	09/27/89	54 FR 39548
NPRM (Certain CFC Substitutes)	03/00/90	
Final Action (2,4-Pentanedione)	07/00/90	
NPRM (Amine Containing Metalworking Fluids with Potassium or Sodium Nitrites)	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1923.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070–AA58

3204. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2604/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals. Under the Expedited Follow-up Rule which became effective on October 10, 1989, EPA will publish a monthly batch SNUR 12 times a year beginning in February 1990. EPA will identify additional Non-5(e) new chemical substances as candidates for regulation in the monthly batch SNURs. However, the new chemical substances listed below are not subject to the Expedited Follow-Up Rule. Rulemaking will be issued separately for each chemical.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Diphenyl-2,4,6-Trimethylbenzol Phosphine Oxide (87-586)
NPRM 02/02/88 (53 FR 2857)
Final Action 00/00/00

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1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)
NPRM 12/08/87 (52 FR 46496)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1976.

FTS8-382-2278.

Agency Contact: Joe Boyd, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-2278

RIN: 2070–AA59

3205. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, import, processing, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5e to limit the aforementioned activities. However, section 5e orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture, import, or process the substance without controls. Therefore, EPA by rule, designates manufacture, import, or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no unctrld activities will occur without an opportunity for prior Agency review. Under the Expedited Follow-up Rule which became effective on 10/10/89, EPA will publish SNURs on the following timetable:1) A mthly SNUR will be published 12 times a year, begin. 2/90, 2) Addit. SNURs will be published in FY90 for PMN substances covering acrylates, pyridines and chemicals where a SNUR has been previously proposed. Each SNUR will

Timetable:

(84-274) (see additional information for title) (SAR 5407)
NPRM 08/26/85 (50 FR 34505)
Final Action 04/00/90

(85-1176) (see additional information for title) (SAR 5404)
NPRM 00/00/00

(85-544) (see additional information for title) (SAR 5408)
NPRM 06/00/90

(85-564) (see additional information for title) (SAR 5405)
NPRM 00/00/00

(85-703) (see additional information for title) (SAR 5406)
NPRM 06/23/86 (51 FR 22831)
Final Action 08/00/90

Alkyl Glycoether Acrylic Acid Derivative (84-27) (SAR 5414)
NPRM 12/24/84 (49 FR 49868)
Final Action 04/00/90

Brominated Aryl Alkyl Ether, Ethylated Amino (SAR 5415)
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
Final Action 08/00/90

Certain Acrylate and Methacrylate Chemicals (SAR 5416)
NPRM 03/27/85 (50 FR 12046)
Final Action 04/00/90

Certain Acrylate Chemicals (84-341-344) (SAR 5417)
NPRM 04/04/86 (51 FR 11591)
Final Action 04/00/90

Methylammonium n-Methyldithiocarbamate (84-1042) (SAR 5418)
NPRM 03/24/86 (51 FR 10027)
Final Action 08/00/90

N,N,N'N'-Tetrakis (oxiranylmethyl) (SAR 5420)
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 08/00/90

Polyol Polyacrylate (85-718) (SAR 5419)
NPRM 09/00/90

Substituted Benzene, Halogenated (85-612) (SAR 5421)
NPRM 00/00/00

Substituted Benzene, Halogenated (84-660 and 84-704) (SAR 5422)
NPRM 03/18/86 (51 FR 9221)
Final Action 08/00/90

Substituted Bromothiophene (83-769) (SAR 5423)
NPRM 09/28/84 (49 FR 38310)
Final Action 08/00/90

Substituted Methylpyridine (83-237)(SAR 5424)
NPRM 02/06/84 (49 FR 4390)
Final Action 06/00/90

Substituted Polyester Resin (85-395)(SAR 5425)
NPRM 00/00/00

Substituted Tetrafluoro Alkanes (84-105/106/107) (SAR 5426)
NPRM 03/21/85 (50 FR 11384)
Final Action 08/00/90

2-Butenedioic Acid(z), (85-543) (SAR 5427)
NPRM 07/00/90

2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl (SAR 5428)
NPRM 07/00/90

2-Propenoic Acid, (85-546) (SAR 5429)
NPRM 07/00/90

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester (SAR 5430)
NPRM 07/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

FTS:8-382-2278.

(85-1176) Alcohols, C1-4, ethers with Polyethylent-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene; 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroelectric melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-274) Poly(oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-((1-oxo-2-propenyl)-oxy)

(85-544) 2-Propenoic Acid, 2-Methyl-7,7,9-Trimethyl-4,13-dioxo- 3,14-Dioxo-t,12-Diazahexadecane,1,16-Dyl Ester

ABSTRACT CONT: regulate grps of substances. EPA will issue SNURs for approx. 120 chemicals which are PMN substances where a 5e order was issued before 10/10/89 and a notice of commence. was rec'd. EPA will issue SNURs for approx. 85 addit. chemicals which are PMN substances where a 5e order was issued after 10/10/89.

Agency Contact: Joseph Boyd, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-2278

RIN: 2070–AB27

3206. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 5/TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in

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commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32326
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2150.

FTS:8-382-3972.

Agency Contact: Janice Canterbury, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3972**

RIN: 2070–AB20

3207. PARTIAL UPDATING OF THE TSCA INVENTORY DATA BASE

Legal Authority: 15 USC 2607(a)/TSCA 8(a)

CFR Citation: 40 CFR 710, Subpart B

Legal Deadline: None

Abstract: A technical amendment to clarify the TSCA Inventory Data Base was promulgated in May 1986 in order to obtain recent production volume and plant site data for certain chemical substances on the inventory. The rule requires reporting every four years. EPA is making some technical amendments to the rule in order to facilitate compliance and to make the rule consistent with other OPTS and EPA reporting activities.

Timetable:

Technical Amendment
Final Action 06/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2704.

FTS:8-382-3536.

Agency Contact: Donald Sadowsky, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-793), **202 382-3536**

RIN: 2070–AC10

3208. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section 4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

Timetable:

25th ITC List Chemicals
Final Action 12/12/89 (54 FR 51131)
26th ITC List Chemicals
Final Action 05/00/90

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2178.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, **202 382-3436**

RIN: 2070–AB08

3209. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

Timetable:

25th ITC List Chemicals
Final Action 12/12/89 (54 FR 51131)
26th ITC List Chemicals
Final Action 05/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1139.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070–AB11

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Toxic Substances Control Act (TSCA)

3210. MODIFICATION OF TOXIC RELEASE REPORTING UNDER SARA 313, TITLE III

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Final Action	12/01/89	54 FR 49948

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Susan Hazen 202 382-3667

RIN: 2070–AB98

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Completed Actions

3211. PCB NOTIFICATION AND MANIFESTING RULE

Significance: Regulatory Program

CFR Citation: 40 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	12/21/89	54 FR 52716

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: John Smith 202 382-3866

RIN: 2070–AB83

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Clean Water Act (CWA)

3212. ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS EFFLUENT LIMITATIONS, PRETREATMENT STANDARDS AND NEW SOURCE PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 /CWA 301

CFR Citation: 40 CFR 414

Legal Deadline: None

Abstract: EPA is proposing to amend 40 CFR 414 to allow regulatory authorities to establish cyanide limitations and standards based on best professional judgment for elevated levels of non-amenable cyanide that result from the unavoidable complexing of cyanide at the process source of cyanide- bearing waste streams. Another amendment proposes to allow regulatory authorities to establish metals limitations and standards to accommodate low background levels of metals in non-"metal-bearing waste streams" that result from corrosion of construction materials or from contamination of raw materials. EPA is also proposing to amend Appendices A and B to Part 414 to correct listing errors. The last amendment specifies the method for determining BOD5 and TSS effluent limitations for direct discharge plants with manufacture processes in more than one subcategory. (cont)

Timetable:

Action	Date	FR Cite
Notice Revocation (Pollutant)	06/29/89	54 FR 27351
Notice Revocation (19 Parameters)	04/00/90	
NPRM	11/00/91	
Final Action	04/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2745.

FTS:8-382-7190.

ABSTRACT CONT: On October 10, 1989, the U.S. Court of Appeals upheld nearly all of the regulations promulgated on November 5, 1987 (54 FR 2522). However, the Court remanded one portion of the regulation based on the performance of in-plant biological treatment for indirect discharges (Subpart J). The Agency is initiating efforts to collect additional data and information to provide the basis for proposing and promulgating an appropriate regulation by 1993.

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7190

RIN: 2040–AB65

3213. NOTICE OF PLAN TO REVIEW AND PROMULGATE EFFLUENT GUIDELINES/ REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1314(m)/CWA 304(m)

CFR Citation: None

Legal Deadline: Final, Statutory, January 1, 1992.
Statutory deadline for EPA to issue biennial notice.

Abstract: In accordance with Section 304(m) of the Clean Water Act, EPA published a biennial plan in the Federal Register for the promulgation of new effluent limitations guidelines and standards and the review and revision of existing guidelines and standards for categories of sources discharging toxic and non-conventional pollutants. Section 304(m) establishes a planning process that sets the Agency's agenda for future effluent guidelines and standards rulemaking. The first notice was published in the Federal Register on January 2, 1990; it describes EPA's commitments to prepare new or revised guidelines covering nine industry categories and to conduct a pre-regulatory study for eleven other industries. Subsequent 304(m) notices will identify additional categories for promulgation of new guidelines and revision of existing guidelines.

Timetable:

Action	Date	FR Cite
Notice	08/25/88	53 FR 32584
Notice	01/02/90	55 FR 80
Notice	01/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2304.

FTS:8-382-7120.

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7150

RIN: 2040–AA90

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Clean Water Act (CWA)

3214. WATER QUALITY STANDARDS FOR TOXIC POLLUTANTS

Significance: Regulatory Program

Legal Authority: 33 USC 1313(c) /CWA 303(c)

CFR Citation: 40 CFR 131

Legal Deadline: None

Abstract: This action will establish on a national basis, numeric water quality criteria for toxic pollutants that will become part of the water quality standards of states that have failed to comply with Section 303(c)(2)(B) of the CWA, thus, bringing those standards into compliance with the CWA, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2497.

FTS:8-475-7315.

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 475-7315**

RIN: 2040–AB56

3215. EFFLUENT GUIDELINES FOR OFFSHORE SUBCATEGORY OF THE OIL AND GAS EXTRACTION INDUSTRY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435, Subpart A

Legal Deadline: Final, Judicial, June 1992.

Abstract: The Agency will repropose BAT and BCT effluent guidelines, and New Source Performance Standards (NSPS) for offshore oil and gas extraction processes in the oil and gas extraction point source category. The offshore subcategory includes facilities located seaward of the inner boundary of the territorial seas (see 40 CFR 435.10).

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
Notice	11/13/85	50 FR 46784
Notice	12/31/85	50 FR 53348
Notice	10/21/88	53 FR 41356
Notice Extension of Comment Period	12/05/88	53 FR 48947
NPRM	11/00/90	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1649.

FTS:8-382-7115.

LEGAL DEADLINE DESCRIPTION CONT: BAT, BCT, and NSPS guidelines.

Agency Contact: Karen Troy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7115**

RIN: 2040–AA12

3216. EFFLUENT GUIDELINES FOR THE PHARMACEUTICALS INDUSTRY

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: The Agency will review and revise as appropriate the effluent limitations guidelines and standards for the pharmaceuticals industry. A major part of the review will consider revisions to the regulations to include limitations on toxic and non-conventional volatile organic pollutants. The existing proposal covering NSPS for conventional pollutants will also be revaluated.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
Notice	11/01/83	48 FR 50322
Notice	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
Notice	04/26/84	49 FR 17978
Notice New Data	07/02/84	49 FR 27145
Notice	01/31/85	50 FR 4513
Notice	05/01/85	50 FR 18486
Notice New Data	09/09/85	50 FR 36638
Final Action BCT	12/16/86	51 FR 45094
NPRM	12/00/92	
Final Action	07/00/94	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7182**

RIN: 2040–AA13

3217. EFFLUENT GUIDELINES AND STANDARDS FOR PESTICIDES MANUFACTURERS AND FOR PESTICIDES FORMULATOR/PACKAGERS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: Final, Statutory, December 31, 1986.
Date contained in Water Quality Act of 1987

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing BAT effluent limitations, NSPS, PSES, and PSNS for the pesticide industry under the Clean Water Act. On July 25, 1986, the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals in response to a joint motion filed by the Agency and other parties to litigation challenging the regulation. EPA removed the BAT effluent limitations, NSPS, PSNS, and PSES from the Code of Federal Regulations at the direction of the Court and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The BPT limitations published on April 25, 1978 and September 29, 1978, are still effective. The Agency intends to establish new effluent limitation guidelines and standards for the pesticide manufacturers and formulators/packagers industry in a future rulemaking. The Agency has decided to establish separate rulemaking schedules for the pesticide

manufacturers and for pesticides formulator/packagers because of significant differences between these two subcategories.

Timetable:

Formulators/Packagers
NPRM 06/00/93
Final Action 11/00/94
Manufacturers
NPRM 04/00/91
Final Action 08/00/92

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2473.

FTS:8-382-7156.

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7156

RIN: 2040–AB32

3218. EFFLUENT GUIDELINES FOR PULP, PAPER AND PAPERBOARD INDUSTRY

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None
There is a consent decree requiring EPA to make a determination whether to revise the effluent limitations guidelines to (cont)

Abstract: The Agency will review the existing BPT and BAT effluent guidelines for the pulp, paper, and paperboard industry to determine whether the existing limitations should be revised and whether to regulate dioxins, furans, and other pollutants (e.g., chlorinated organic compounds).

Timetable:

Action	Date	FR Cite
NPRM	07/00/93	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2712.

FTS:8-382-7184.

LEGAL DEADLINE DESCRIPTION CONT: include limits for dioxin and to issue a schedule for any such revisions.

Agency Contact: George Heath, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7165

RIN: 2040–AB53

3219. COPPER AND BERYLLIUM FORMING POINT SOURCE EFFLUENT GUIDELINES AND STANDARDS

Legal Authority: 33 USC 1251 et seq/CWA 301, 304, 306, 307, 308 and 501

CFR Citation: 40 CFR 468

Legal Deadline: None

Abstract: In accordance with a settlement agreement dated March 5, 1986 (51 FR 7571), the Agency modified the Copper Forming regulation (40 CFR Part 468) issued on August 15, 1983 (48 FR 36957) to exclude the forming of beryllium copper alloys (copper that is alloyed to contain 0.1 percent or more beryllium) and to create a new subcategory in the regulation reserved for effluent guidelines and standards covering beryllium copper alloys. This regulation establishes the effluent guidelines and standards for that new subcategory.

Timetable:

Action	Date	FR Cite
Final Action	08/15/83	48 FR 36957
Notice	03/05/86	51 FR 7571
NPRM	05/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2746.

FTS:8-382-3151.

Agency Contact: George Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-3151

RIN: 2040–AB71

3220. OIL AND GAS EXTRACTION POINT SOURCE CATEGORY COASTAL SUBCATEGORY EFFLUENT LIMITATION GUIDELINES AND NEW SOURCE PERFORMANCE STANDARDS

Legal Authority: 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501; 33 USC 1311/CWA 301

CFR Citation: 40 CFR 435.40, Subpart D

Legal Deadline: None

Abstract: EPA will begin development of a regulation under the Clear Water Act to limit discharges to the waters of the U.S. from coastal oil and gas extraction facilities. This regulation will apply to the facilities involved in exploration, development and production operations. It will establish effluent limitations and guidelines based on BAT and BCT and new source performance standards (NSPS). Coastal oil and gas extraction is a subcategory of the oil and gas extraction point source category (40 CFR part 435, Subpart D).

Timetable:

Action	Date	FR Cite
Notice	11/08/89	54 FR 46419
NPRM	01/00/94	
Final Action	12/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2747.

FTS:8-382-7115.

Agency Contact: Karen S. Troy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7115

RIN: 2040–AB72

3221. ● WASTE TREATMENT INDUSTRY POINT SOURCE CATEGORY EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR Subchapter N

Legal Deadline: None

Abstract: On January 2, 1990, EPA announced plans for proposing and promulgating new effluent guidelines for the "hazardous waste treatment" industry category. However, EPA has changed the title of the industry category to "Waste Treatment Industry" which more accurately

reflects the scope of the point source category described in the January 2, 1990, Effluent Guidelines Plan (55 FR 80). Both hazardous and non-hazardous waste treatment wastewater discharges are included in the rulemaking study. The Waste Treatment Industry Category consists of three groups of facilities: a. Centralized Waste Treaters (CWT) that generally treat aqueous and liquid hazardous and non-hazardous waste; b. hazardous waste incinerators with wet scrubbers; and c. municipal and hazardous waste landfills with leachate collection. The Agency has not previously published guidelines specifically covering the Waste Treatment Industry category. Development of regulations for Waste Treatment facilities will be done in two phases. The Phase I regulation will cover CWT facilities that generally treat aqueous and liquid hazardous and non-hazardous waste. Although the Agency has not yet (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/00/94	
Final Action	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2805.

FTS:8-382-7141.

ABSTRACT CONT: scheduled a Phase II regulation which would regulate hazardous waste incinerators and landfill leachate discharges, it plans on collecting screening information in conjunction with the Phase I technical study.

Agency Contact: Debra DiCianna, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7141**

RIN: 2040–AB78

3222. ● EFFLUENT GUIDELINES AND STANDARDS FOR MACHINERY MANUFACTURING AND REBUILDING CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR Subchapter N

Legal Deadline: None

Abstract: On January 2, 1990, EPA announced plans for proposing and promulgating new effluent limitation guidelines for metal machinery and equipment, including manufacture, assembly, rebuilding, repair and maintenance. This category will cover seven major industrial groups: Aircraft, Aerospace, Hardware (including Machine Tools, Screw Machines, Metal Forging and Stamping, Metal Springs, Heating Equipment, Fabricated Structural Metal) Ordnance, Stationary Industrial Equipment (including Electrical Equipment), Mobile Industrial Equipment and Electronic Equipment (including Communication Equipment).

Timetable:

Action	Date	FR Cite
NPRM	12/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2806.

FTS:8-382-7153.

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7153**

RIN: 2040–AB79

3223. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM AND SLUDGE MANAGEMENT STATE PROGRAM REGULATIONS FOR INDIAN TRIBES

Significance: Agency Priority

Legal Authority: 33 USC 1342; 33 USC 1345; 33 USC 1377

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This rule, pursuant to CWA Section 518, will establish the requirements and procedures by which an Indian tribe may be treated as a State and be approved to administer the NPDES and/or sludge management program for the purpose of CWA Sections 402 and 405.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	12/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2749.

FTS:8-475-7458.

Agency Contact: Wendy Miller, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 382-7458**

RIN: 2040–AB70

3224. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2587.

FTS:8-475-7134.

Agency Contact: Virginia Fox-Norse, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7129

RIN: 2040–AB29

3225. NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125; 40 CFR 403; 40 CFR 434

Legal Deadline: None

Abstract: This action will revise the NPDES and other regulations pursuant to requirements contained in the 1987 Water Quality Act. In addition, several other changes will be made to clarify existing requirements and policies. These revisions will not encompass requirements mandated by Section 406 (sewage sludge) of the 1987 Water Quality Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2493.

FTS:8-475-9520.

This action may affect small entities subject to NPDES permits or pretreatment requirements due to statutory or programmatic changes.

Agency Contact: Thane Joyal, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9520

RIN: 2040–AB38

3226. NPDES PERMIT APPLICATION STANDARD FORM A AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action will revise the current NPDES Permit Application Standard Form A (municipal) and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms will replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

Action	Date	FR Cite
NPRM (Municipal Forms)	09/00/90	
Final Action	08/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2501.

FTS:8-475-9539.

Agency Contact: Steve Bugbee, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9539

RIN: 2040–AB39

3227. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2196.

FTS:8-475-7799.

Agency Contact: Suzanne E. Schwartz, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 475-7799

RIN: 2040–AB20

3228. ● CLEAN WATER ACT SECTION 404 PROGRAM DEFINITION

Significance: Agency Priority

Legal Authority: 33 USC 1344/CWA 404

CFR Citation: 40 CFR 232.2(q)

Legal Deadline: None

Abstract: This action would revise the definition of "waters of the U.S." by adding four examples to those currently contained under that definition. The intent of this action is to clarify aspects of the current definition which define waters, "the use, degradation or destruction of which would or could affect interstate or foreign commerce," as waters of the U.S. We are not proposing to address any aspects of the definition of "waters of the U.S. in this rulemaking other than those relating to these four examples.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2804.

FTS:8-475-7799.

Agency Contact: Greg Peck, Environmental Protection Agency, Water, (A-104), Washington, DC 20460, 202 475-7799

RIN: 2040–AB74

3229. REVISIONS TO OCEAN DUMPING REGULATIONS FOR DREDGED MATERIAL

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 225; 40 CFR 227; 40 CFR 228

Legal Deadline: None

EPA—CWA **Proposed Rule Stage**

Abstract: This rulemaking would revise the regulations applicable to the ocean dumping of dredged material. Issuance of these regulations is necessary to respond to the decision in National Wildlife Federation vs. Costle, 629 F. 2d. 118 (DC Circuit 1980) and to incorporate program experience. The revisions will make necessary technical changes and will improve the clarity of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2737.

FTS:8-475-7177.

This action was split from RIN 2040-AA78

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7177

RIN: 2040–AB62

3230. REORGANIZATION AND CORRECTIONS TO LIST OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: This action is necessary to correct technical errors in the list of ocean dumping sites and to better organize the format in which ocean dumping sites are listed in the Code of Regulations. The revision would correct misprints and other technical errors, and organize the list of sites by EPA region and type of material.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2736.

FTS:8-475-7177.

This action was split from RIN 2040-AA78.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7177

RIN: 2040–AB63

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Final Rule Stage

Clean Water Act (CWA)

3231. COMPREHENSIVE CONSTRUCTION GRANT REGULATION REVISION

Legal Authority: 33 USC 1231 / CWA 201; CWA 518

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This regulation will amend existing regulations to implement the Water Quality Act of 1987. That Act amended the construction grants program, and authorized EPA to treat qualifying Indian tribes as states for purposes of administering the construction grants program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2585.

FTS:8-382-2287.

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 382-2287

RIN: 2040–AB25

3232. EFFLUENT GUIDELINES FOR NON-FERROUS MANUFACTURING (PHASE II)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: The Agency will promulgate amendments to the regulation previously promulgated on September 20, 1985 (50 FR 38276). These amendments are in response to settlements with six petitioners and will affect six subcategories: primary beryllium subcategory, primary molybdenum and rhenium subcategory, second molybdenum and vanadium subcategory, secondary precious metals subcategory and secondary tungsten and cobalt subcategory. The amendments will revise BPT and BAT effluent limitations, NSPS, and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	54 FR 18412
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2583.

FTS:8-382-7126.

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040–AB31

3233. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT

Legal Authority: 33 USC 1251 /CWA 301, 302, 304(h), 307, 501(a), and 502

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This rule will amend 40 CFR 136 by adding new measurements and new test procedures for the analysis of pollutants under section 304(h) of the Clean Water Act. This rule: adds Direct Current Plasma (DCP) atomic emission

spectrometric method to the list of approved methods for certain metals; adds multi-laboratory validation data to three previously approved methods for metals; clarifies the interpretation of equivalency of methods approved under Part 136; and allows the option to use hydrochloric acid as a preservative for samples to be analyzed for oil and grease. The 9/3/87 proposal covered all aspects; DCP will appear as a separate final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33543
Final Action All Other DCP	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2462.

FTS:8-684-7306.

Agency Contact: James J. Lichtenberg, Office of Research and Development, Environmental Monitoring Systems Laboratory, Environmental Protection Agency, Water, Cincinnati, Ohio 45268, 513 569-7891

RIN: 2040–AB58

3234. WATER QUALITY STANDARDS—REVISION FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 518

CFR Citation: 40 CFR 131

Legal Deadline: Final, Statutory, August 14, 1988.

Abstract: These rules establish the procedures by which an Indian tribe can qualify for treatment as a state for the purposes of CWA sections 303 and 401. The revised water quality standards regulation establishes a mechanism to resolve unreasonable consequences arising from Indian Tribes and States adopting differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39098
Final Action	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2475.

FTS:8-475-7315.

Agency Contact: David Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 475-7315

RIN: 2040–AB36

3235. STATE REVOLVING FUND PROGRAM IMPLEMENTATION REGULATIONS

Legal Authority: 33 USC 1285(m); 33 USC 1361(a); 33 USC 1381 to 1389

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: This interim rule implements the State water pollution control revolving fund capitalization grant program. The program, under which EPA awards grants to States to capitalize funds that will provide assistance for water pollution control purposes, was established in the Water Quality Act of 1987 as a new title VI to the Clean Water Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/19/90	55 FR 10176
Interim Final Rule Comment Period End	05/18/90	55 FR 10176

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2744.

FTS:8-382-2287.

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 382-2287

RIN: 2040–AB64

3236. SECTION 303(D) LIST OF STATE WATERS

Legal Authority: 33 USC 1251 et seq /CWA 303(d); 33 USC 1251 et seq /CWA 305(b)

CFR Citation: 40 CFR 130

Legal Deadline: None

Abstract: EPA published a Federal Register notice on July 24, 1989 to re-open and extend the public comment period on a proposal to require a biennial submission of lists of waters under sections 303(d) and 305(b) of the Clean Water Act (CWA). On 1/12/89, in conjunction with the regulation to implement Section 304(l) of the CWA, EPA proposed to require that the States submit as part of 305(b) reports, the lists of waters required by 303(d) of the CWA. However, after reviewing public comments, EPA decided not to include this particular requirement in the final regulation for 304(l), which was published in the Federal Register on 6/2/89 (54 FR 23868). Instead, EPA decided to solicit additional comments on the proposal and consider promulgating these listing requirements at a later date, if appropriate. The proposed amendments require States to submit to EPA every two years the list of water quality-limited waters required under 303(d) of the CWA. The reporting vehicle for the list would be the States Biennial Water Quality Reports required by CWA 305(b). (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1300
Notice To Reopen Public Comment Period	07/24/89	54 FR 30765
Second NPRM Comment Period End	09/25/89	54 FR 30765
Final Action	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2748.

FTS:8-382-7056.

ABSTRACT CONT: EPA is also proposing certain data requirements and review and approval criteria for the States and EPA to use to develop and review the 303(d) lists of waters.

Agency Contact: King Boynton, Environmental Protection Agency, Water, (WH-553), Washington, DC 20460, 202 382-7056

RIN: 2040–AB68

3237. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: Final, Statutory, February 4, 1989. Final, Judicial, July 20, 1990.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges will reflect the 1987 amendments to the Clean Water Act and will address the deadline for application submission as a result of the rescinded September 1984 stormwater regulations.

Timetable:

Action	Date	FR Cite
Final Action - Deadline Extension	02/12/88	53 FR 4157
NPRM	12/07/88	53 FR 49416
Final Action	07/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2200.

FTS:8-475-9518.

Agency Contact: Tom Seaton, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9518

RIN: 2040–AA79

3238. TREATMENT OF INDIAN TRIBES AS STATES UNDER SECTION 404 OF THE CLEAN WATER ACT

Significance: Regulatory Program

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 230; 40 CFR 233

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This proposed rule would a) establish requirements for determining eligibility of Indian Tribes to be treated as States for purposes of Section 404 of the CWA and if found eligible, and b) allow for assumption of the dredge and fill permit program.

Timetable:

Action	Date	FR Cite
NPRM	11/29/89	54 FR 49180
Final Action	10/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2682.

FTS:8-382-5043.

Agency Contact: Lori Williams, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 382-5043

RIN: 2040–AB69

3239. SEWAGE SLUDGE USE AND DISPOSAL REGULATION

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: NPRM, Statutory, November 30, 1986. Final, Statutory, August 31, 1987.

Abstract: The Agency will promulgate standards and management practices for the use and disposal of sewage sludge as required by Section 405 of the Clean Water Act, as amended. The use and disposal practices addressed in this regulation are: land application, distribution and marketing, incineration, landfilling and surface disposal. Inorganic and organic pollutants are being regulated for the various use and disposal practices.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5746
Notice of Availability of Data From National Sewage Sludge Survey	07/00/90	
Final Action	10/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2162.

FTS:8-475-7301.

Agency Contact: William Diamond, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 475-7301

RIN: 2040–AA74

3240. CITIZEN SUIT NOTICE REGULATION UNDER THE CWA

Legal Authority: 33 USC 1365 /CWA 505

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: This regulation will specify on whom the copies of CWA citizen suit complaints and consent decrees should be served, the manner of service, and the addresses of such persons. This rule will amend existing 40 CFR 135.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 36020
Final Action	12/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAR No. 2515.

FTS:8-382-2949.

Agency Contact: David Drelich, Environmental Protection Agency, Water, Office of Enforcement (LE-134W), Washington, DC 20460, 202 382-2949

RIN: 2040–AB50

3241. DE-DESIGNATION OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: The Agency is taking action to de-designate certain ocean dumping sites. This action will take the form of two rulemaking actions: (1) to remove from the list of ocean dumping sites as published in the Code of Federal Regulations sites which are expired or which were terminated by previous rulemaking and (2) to de-designate ocean dumping sites which are no longer needed. None of the sites affected are being used. This action is necessary to assure that the list of ocean dumping sites accurately reflects earlier rulemaking and also to assure that unnecessary sites are removed from the list.

EPA—CWA — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3693
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2222.

FTS:8-475-7177.

This action was split from RIN 2040-AA78.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7177

RIN: 2040–AB61

3242. EPA ADMINISTERED PROGRAMS: NPDES; GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES: PROPOSALS TO IMPLEMENT THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / RCRA 3018; 33 USC 1317 /CWA 307; 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 403

Legal Deadline: Final, Statutory, August 1987.

Abstract: The Agency will prepare final changes to the NPDES and General Pretreatment Regulations that address: toxicity testing by POTWs, specific industrial user discharge prohibitions; controls on spills and batch discharges; industrial user notification requirements; control mechanisms for significant industrial users and local limits. These changes will be responsive to the Domestic Sewage Study submitted to Congress February 7, 1986 and are to improve the control of hazardous wastes and other toxic materials discharged through sewers to publicly-owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	11/23/88	53 FR 47632
Final Action	04/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2342.

FTS:8-475-9526.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9526

RIN: 2040–AA99

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Clean Water Act (CWA)

3243. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

CFR Citation: 40 CFR 35

Completed:

Reason	Date	FR Cite
Withdrawn - this action is combined with RIN 2040-AB25	02/26/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Geoffrey Cooper 202 382-2287

RIN: 2040–AA70

3244. ESTUARY PROGRAM GRANT REGULATION

CFR Citation: 40 CFR 35, Subpart P

Completed:

Reason	Date	FR Cite
Interim Final Action	10/03/89	54 FR 40798

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas M. Armitage 202 475-7378

RIN: 2040–AB54

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

Atomic Energy Act (AEA)

3245. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2201/AEA 161

CFR Citation: 40 CFR 191

Legal Deadline: None

Abstract: On August 15, 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. Subsequent to promulgation of this rule, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. As of September 23, 1987 the Court vacated and remanded Subpart B of the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2590.

FTS:8-475-9633.

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9633**

RIN: 2060–AC30

3246. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201 /AEA 274; 15 USC 2625 /TSCA 6(a)(6)

CFR Citation: 40 CFR 193; 40 CFR 764

Legal Deadline: None

Abstract: Under 40 CFR 193, the Agency is considering whether to set generally applicable standards for the management and disposal of low-level radioactive wastes under the purview of the Atomic Energy Act, as amended. The Agency is considering criteria for declaring certain wastes as below regulatory concern as part of this activity. Under 40 CFR 764, the Agency is also considering whether to regulate the disposal of certain naturally occuring and accelerator-produced radioactive wastes.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9633**

RIN: 2060–AA04

3247. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 272

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2073.

FTS:8-47-9620.

Agency Contact: Anthony B. Wolbarst, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9620**

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA) Final Rule Stage

Atomic Energy Act (AEA)

3248. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action provides interim recommendations to Federal agencies to establish dose rate limits for people exposed to transuranium elements in the general environment.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1162.

FTS:8-475-9620.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9620**

RIN: 2060–AA01

3249. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a) /AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards at 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 36000
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1166.

FTS:8-475-9620.

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9620**

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3250. REVISIONS TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL REGULATIONS

Legal Authority: 42 USC 300j-4 /SDWA 1445; 42 USC 300h-1 /SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization- by-rule requirements. EPA will also propose amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2426.

FTS:8-382-5530.

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5530**

RIN: 2040–AB27

3251. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclides in drinking water. These radionuclides include radium, uranium, radon, total alpha, and beta particle and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	02/00/91	
Final Action	12/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2281.

FTS:8-382-7575.

Agency Contact: Gregory Helms, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-7575**

RIN: 2040–AA94

3252. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.
This deadline applies only to the disinfection requirements.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variance criteria will be developed. The Agency will propose MCLGs and MCLs or treatment technique requirements for disinfectants and disinfection by-products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	
Final Action	09/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2340.

FTS:8-382-3028.

Agency Contact: Stephen W. Clark, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 382-3028**

RIN: 2040–AA97

3253. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS (PHASE V/24 CONTAMINANTS)

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and NPDWRs for 24 inorganic and organic chemicals specified in the SDWA.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM Comment Period End	11/13/85	50 FR 16936
NPRM	06/00/90	
Final Action	03/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2630.

FTS:8-382-7575.

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 475-7274**

RIN: 2040–AB11

3254. ● NATIONAL PRIMARY DRINKING WATER REGULATIONS: ARSENIC

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set an MCLG and MCL for arsenic in drinking water, as required by the SDWA of 1986. The SDWA requires EPA to promulgate primary drinking water regulations for

83 specific contaminants of which arsenic is one. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects on the health of persons occur and which allows for an adequate margin on safety." MCLs are the federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2807.

FTS:8-475-7274.

The Agency has been sued on the schedule for proposal and promulgation of the arsenic National Primary Drinking Water Regulations. The schedule is dependent on the settlement of the suit.

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 475-7274

RIN: 2040–AB75

3255. ● DRINKING WATER LABORATORY CERTIFICATION REGULATIONS

Legal Authority: 42 USC 300/SDWA 1401, 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA will propose and promulgate national regulations for certification of laboratories which analyze compliance samples under the SDWA. These regulations will establish the "National Quality Assurance Program for Lab Certification," described in 40 CFR 142(b)(2)-(3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2803.

FTS:8-382-3022.

Agency Contact: Arthur H. Perler, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 382-3022

RIN: 2040–AB80

3256. ● NATIONAL PRIMARY DRINKING WATER REGULATIONS: CONTAMINANTS FROM FIRST DRINKING WATER PRIORITY LIST (PHASE VI)

Significance: Regulatory Program

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Statutory, January 1, 1990. Final, Statutory, January 1, 1991.

Abstract: This rule will set MCLGs and NPDWRs for about 25 contaminants from the first Drinking Water Priority List, as required by the SDWA of 1986. The SDWA requires regulation of at least 25 contaminants every three years starting in 1991. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects on the health of persons occur and which allows for an adequate margin of safety." MCLs are the federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/92	
Final Action	12/00/93	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2772.

FTS:8-475-9566.

Agency Contact: David Huber, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 475-9566

RIN: 2040–AB82

3257. ● REVISION OF ANALYTICAL METHODS UNDER SDWA

Legal Authority: 42 USC 300/SDWA 1412; 42 USC 300(b)/SDWA 1401

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: EPA will provide an expedited regulatory mechanism for updating analytical methods technology under the SDWA, in order to allow the use of latest technology and to minimize costs. A regulation or FEDERAL REGISTER notice will be issued for each change. No MCLs will be revised in this process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action (e. coli)	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2782 (VOCS); SAR No. 2781 (e. coli).

FTS:8-382-3022.

Agency Contact: Arthur H. Perler, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-3022

RIN: 2040–AB84

3258. ● OSAGE MINERAL RESERVE UNDERGROUND INJECTION CONTROL PROGRAM (REVISION)

Legal Authority: 42 USC 300f/SDWA 1421 to 1423

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. EPA is proposing amendments to its Underground Injection Control (UIC) program regulations for the Osage Mineral in Oklahoma (40 CFR 147 Subpart GGG) to allow the Regional Administrator flexibility to waive certain technical requirements for temporary abandoned wells and to designate a portion of the Happy Hollow and Z-Sand aquifers in Western Osage County, Oklahoma as exempted aquifers. The proposed changes will provide the Regional Administrator with the same flexibility that presently

exists in the generic Federal regulations (40 CFR 144.28(c)(2)(iv) and 144.52(a)(6)) to waive certain technical requirements applicable to active injection wells upon a demonstration by the owner or operator that the well will not endanger underground sources of drinking water during the period of temporary abandonment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Interim Final Rule	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 131 Crude Petroleum and Natural Gas; 132 Natural Gas Liquids; 138 Oil and Gas Field Services

Additional Information: SAR No. 2765.

FTS:8-382-5558.

Agency Contact: Donald M. Olson, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5558**

RIN: 2040–AB76

3259. ● CONSTRUCTION REQUIREMENTS FOR CLASS II (OIL AND GAS RELATED WELLS) UNDER PART C OF THE SDWA

Legal Authority: 42 USC 300F/SDWA 1421 to 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: Part C of the SDWA directs EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. The greatest number of injection wells are Class II (oil and gas related) wells operated by the petroleum industry for disposal of produced brines and enhanced recovery projects. EPA is considering proposing standards for all newly constructed or converted (from production operations) Class II injection wells. These standards may establish new or incremental performance criteria to ensure protection of underground sources of drinking water (USDWs).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 131 Crude Petroleum and Natural Gas; 132 Natural Gas Liquids; 138 Oil and Gas Field Services

Additional Information: SAR No. 2784.

FTS:8-382-5586.

Agency Contact: Jeffrey Smith, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5586**

RIN: 2040–AB77

3260. ● MANAGEMENT OF CLASS V INJECTION WELLS UNDER PART C OF THE SAFE DRINKING WATER ACT

Significance: Regulatory Program

Legal Authority: 42 USC 300(f)/SDWA 1421 to 1425

CFR Citation: 40 CFR 144; 40 CFR 145; 40 CFR 146

Legal Deadline: None

Abstract: The SDWA requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. Previously promulgated regulations specified minimizing standards and technical requirements for Class I-IV wells. Class V wells, such as certain septic systems and a variety of drainage wells, are the subject of this action. Intent is to establish a regulatory framework for the management of these wells that will protect against contamination of groundwater while recognizing the difficulties of this diverse well class. Development of any regulatory program will focus on providing maximum flexibility to state, sub-state, and local entities. Initial analysis indicates economic impacts of over $100 million for certain well sub-types; this action is considered significant.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2778.

FTS:8-382-5532.

Agency Contact: George H. Hoessel, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5532**

RIN: 2040–AB83

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Safe Drinking Water Act (SDWA)

Final Rule Stage

3261. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 300/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants under these two programs, in the same manner as States.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46712
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Additional Information: SAR No. 2440

FTS:8-382-7077.

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 382-7077

RIN: 2040–AB18

3262. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS (PHASE II, 38 CONTAMINANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: NPRM, Judicial, April 30, 1989. Final, Judicial, December 31, 1990.

Abstract: EPA is promulgating maximum contaminant level goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) for about 38 synthetic organic chemicals and inorganic chemicals. The NPDWRs consist of maximum contaminant levels (MCLs), as well as monitoring, reporting, and public notification requirements for these contaminants. This action specifies the best available technology (BAT) upon which the MCLs are based and BAT for the purposes of issuing variances and exemptions to public water systems. In addition to the NPDWRs for the synthetic organic chemicals and inorganic chemicals, the notice requires monitoring for other synthetic organic chemicals which are not currently regulated by NPDWRs or included in this notice.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM (MCLGs)	11/13/85	50 FR 46936
NPRM (MCLGs and MCLs)	05/22/89	54 FR 22062
Final Action (MCLGs and MCLs)	01/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1755.

FTS:8-382-5555.

Agency Contact: Al Havinga, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5555

RIN: 2040–AA55

3263. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and national primary drinking water regulations for lead and copper.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM MCLG	11/13/85	50 FR 46936
NPRM MCLGs/MCLs & Treatment Technique	08/18/88	53 FR 31516
Final Action	11/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2610.

FTS:8-382-5456.

Agency Contact: Jeff Cohen, Environmental Protection Agency, Water, (WH-550A), Washington, DC 20460, 202 382-5456

RIN: 2040–AB51

3264. ● DRINKING WATER PRIORITY LIST OF ADDITIONAL SUBSTANCES WHICH MAY REQUIRE REGULATION UNDER THE SAFE DRINKING WATER ACT

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR Not applicable

Legal Deadline: Other, Statutory, January 1, 1991.

Abstract: The purpose of this action is to develop a list of additional substances which may require regulation under the Safe Drinking Water Act (SDWA). This action is intended to meet the SDWA requirement of publishing a list of contaminants on a triennial basis. Substances on this list become candidates for future national primary drinking water regulations. The initial list was published in January 1988. Consequently, the next version of the list is required to be published by January 1, 1991.

Timetable:

Action	Date	FR Cite
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2785.

FTS:8-382-3022.

Agency Contact: Arthur H. Perler, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 382-3022

RIN: 2040–AB81

3265. PUBLIC WATER SUPPLY SUPERVISION PROGRAM, ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 / SDWA 1414

CFR Citation: 40 CFR 22; 40 CFR 142

Legal Deadline: None

Abstract: EPA plans to promulgate regulations establishing procedures for administrative compliance orders under Section 1414(g) of the Safe Drinking Water Act. Section 1414(g) orders may not take effect without notice and opportunity for public hearing and opportunity for primary states to confer with EPA. The Agency will also amend 40 CFR Part 22 to include PWSS penalty assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29515
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2381.

FTS:8-382-5556.

EPA—SDWA **Final Rule Stage**

Agency Contact: Craig Damron, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5556**

RIN: 2040–AB07

3266. STATE-ADMINISTERED UIC PROGRAMS; INCORPORATION BY REFERENCE UPDATE

Legal Authority: 42 USC 300 /SDWA 1451

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: The Safe Drinking Water Act requires EPA to promulgate regulations specifying minimum requirements for State Underground Injection control programs to prevent injections through wells which may endanger drinking water sources. The individual State-administered programs (primacy) are codified in 40 CFR 147 and that Part incorporates by reference and makes applicable requirements from the appropriate State regulations. The incorporation by reference material has not been updated since 1984. Any Federal enforcement action in a primacy State will be based on the codified Part 147 material no matter what is actually in place at the time. Thus, for any enforcement action to be effective, the State statutes which are incorporated by reference must be up-to-date. Without this action, any Federal enforcement action could be ineffective. There is no impact on the economy, costs, or prices, and no public health or intermedia issues, or adverse consequences on the public. The only alternative given the present codification (cont)

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2717

FTS:8-382-5548. ABSTRACT CONT: scheme is to amend the Part 147 incorporation by reference material to incorporate the most recent State statutes and regulations.

Agency Contact: Dan Chadwick, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5548**

RIN: 2040–AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Safe Drinking Water Act (SDWA)

3267. REVISION TO PUBLIC WATER SYSTEM SUPERVISION (PWSS) STATE PRIMACY REQUIREMENTS

CFR Citation: 40 CFR 142

Completed:

Reason	Date	FR Cite
Final Action	12/20/89	54 FR 52126

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Carl Reeverts 202 382-5522

RIN: 2040–AB26

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Final Rule Stage

Noise Control Act (NCA)

3268. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905(a)(1)/ NCA 6(a)(1)

CFR Citation: None

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2046.

FTS:8-382-4996.

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: K.E. Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), Washington, DC 20460, **202 382-4996**

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Prerule Stage

Resource Conservation and Recovery Act (RCRA)

3269. MANAGEMENT OF USED OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921/RCRA 3001; 42 USC 6925/RCRA 3005; 42 USC 6930/RCRA 3010; 42 USC 6935/RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, November 8, 1985. Final, Statutory, November 8, 1986.

Abstract: EPA's decision not to list recycled oil as hazardous waste (51 FR 41900, 11/19/86) was remanded by the U.S. Court of Appeals (D.C. Circuit) on 10/7/88. Therefore, EPA is considering approaches for management of used oil that is consistent with the court's decision. EPA is reexamining its options for listing and management of used oil. EPA is collecting additional information on the potential toxicity of used oil to be made available for public comment. The Agency also projects issuing a new proposal for management standards in April 1991.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	50 FR 49212
FINAL (Listing Decision for Recycled Used Oil)	11/19/86	51 FR 41900
Notice of Data Availability (Listing Decision)	06/00/90	
Reproposal Management Standards)	04/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2434.

FTS:8-382-7934.

Docket No. 3014

Contact Angela Wilkes for management standards (OS-322)

Contact Robert Scarberry for listing decision (OS-332)

Agency Contact: Angela Wilkes, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 382-7934

RIN: 2050–AC17

3270. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Statutory, September 1988.

Abstract: EPA conducted a study of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste and other wastes generated by the combustion of coal by electric utility power plants. The study was in response to Section 8002(n) of RCRA and culminated in a Report to Congress on March 8, 1988. EPA must determine within six months after submitting the report, holding public hearings, and allowing for public comment whether to regulate any of these wastes under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
Notice Regulatory Determination	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2572.

FTS:8-382-3608.

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC20460, 202 382-3608

RIN: 2050–AC40

3271. DETERMINATION ON SOLID WASTE FROM SELECTED METALLIC ORE PROCESSING OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR 261

Legal Deadline: Other, Statutory, January 31, 1991. NPRM, Judicial, April 7, 1989. Final, Judicial, August 18, 1989. Regulatory Determination Notice due 01/31/91. See Additional Information for other legal deadlines.

Abstract: EPA has completed development of a list of "high-volume", "low-hazard" ore processing wastes for study under Section 8002(p) of RCRA, in response to an opinion of the U.S. Court of Appeals for the DC Circuit (EDF v. EPA, 852 F.2d 1316 (DC Cir. 1988) is now conducting a Section 8002 study of those processing wastes excluded from Subtitle C regulation by the "Bevill Amendment" 3001(b)(3)(A) RCRA. The study will culminate in a Report to Congress in July 1990. RCRA Section 3001(b)(3) requires the Agency, after public hearing and public comment, to determine within six months of submitting the report, whether to regulate any of these wastes under RCRA Subtitle C.

Timetable:

"High Volume, Low Hazard" Criteria
NPRM 10/20/88 (53 FR 41288)
NPRM 04/17/89 (54 FR 15316)
Final Action 09/01/89 (54 FR 36592)

Application of Final Criteria
NPRM 09/25/89 (54 FR 39298)
Final Action 01/23/90 (55 FR 2322)

Regulatory Determination
Notice 01/00/91

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2651.

FTS:8-382-3608.

LEGAL DEADLINE CONT:

NPRM, Judicial, September 15, 1989.

Final, Judicial, January 15, 1990.

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 382-3608

RIN: 2050–AC41

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3272. OIL POLLUTION PREVENTION REGULATION

Significance: Agency Priority

Legal Authority: 33 USC 1321 /CWA 311(j)(1)(c)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major oil spill with substantial environmental impacts (i.e., Ashland Oil in Floelle, PA in January, 1988) an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a significant upgrade to the listing Oil Pollution Prevention Regulation and an inventory of the regulated community. A two-phased regulatory approach is being pursued. In Phase I, the existing regulation will be clarified to indicate that widely accepted industry practices that are currently treated as recommended practices henceforth will be considered as required practices. The Phase II regulatory effort may address other recommended modifications, such as contingency planning.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	08/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2634.

FTS:8-382-4130.

Agency Contact: **John M. Cunningham,** Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 382-4130**

RIN: 2050–AC62

3273. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6927(e) /RCRA 3007(e)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2332.

FTS:8-475-9849.

Agency Contact: **Peter Siebach,** Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, **202 475-9849**

RIN: 2050–AB59

3274. NO-MIGRATION VARIANCE FOR RESTRICTED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency will propose a regulation that sets a process for operators to apply for and receive variances that would allow the land disposal of untreated hazardous wastes that have been restricted from land disposal under 40 CFR 268. The variance would be available for land disposal units that demonstrate that there be no migration of hazardous constituents for as long as the waste remains hazardous.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2524.

FTS:8-382-4685.

Accompanying guidance manual to be published while rule proposal is under development. Guidance will assist facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: **Vernon Myers,** Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4685**

RIN: 2050–AC44

3275. ● CAUSES FOR PERMIT MODIFICATIONS TO HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912/RCRA 2002; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6927/RCRA 3007; 42 USC 6974

CFR Citation: 40 CFR 270.41

Legal Deadline: None

Abstract: This amendment will allow EPA to modify a permit to correct an inadvertent omission of an applicable requirement under RCRA which is in effect prior to the data of permit issuance. The permit correction would follow the modification procedures in 40 CFR 124. Citizens would be able to request such a correction using existing procedures in 40 CFR 124.5.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2780.

FTS:8-475-7245.

Agency Contact: **Wayne Roepe,** Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-7245**

RIN: 2050–AD05

3276. MUNICIPAL WASTE COMBUSTOR ASH MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 6907 /RCRA 1008; 42 USC 6944 /RCRA 4004; 42 USC 6949 /RCRA 4010

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on preliminary data, EPA has determined a need to develop

a management scheme for handling and disposing of municipal waste combustor ash. The 101st Congress is considering several legislative initiatives which would regulate all ash from municipal waste combustors (MWC) under Subtitle D of RCRA and require EPA to develop management standards for the treatment, transportation, storage, disposal, and recycling/reuse of MWC ash. Once such legislation is enacted, EPA will publish its schedule for the proposal and final promulgation of ash regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2494.

FTS:8-382-4489.

Agency Contact: Susan O'Keefe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), 202 382-4489

RIN: 2050–AC24

3277. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - DE MINIMIS EXEMPTION LEVELS

Significance: Regulatory Program

Legal Authority: 42 USC 6921/ 3001 ; 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: This action exempts from RCRA Subtitle C regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2482.

FTS:8-382-4770.

Entries combined, formerly titled "Concentration-Based Relisting of Wastes From Chlorinated Aliphatics" and "Concentration-Based Relisting of Wastes From Explosives, Inorganic Chemicals, and Iron and Steel Industries."

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-4770

RIN: 2050–AC30

3278. EXCLUSIONS FOR WASTE GENERATED ON-BOARD SHIPS (REVISION)

Legal Authority: 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002; 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a)

CFR Citation: 40 CFR 261.4(c)

Legal Deadline: None

Abstract: This proposed rule would broaden an existing exemption in 40 CFR 261.4(c), currently limited to product or raw material vessels, to all vessels. The result of this change would be a consistent regulation for all vessel operators, both product and non-product. In all cases, hazardous wastes generated on-board ships would not be subject to the RCRA regulations for storage, manifesting, etc., until the waste is removed from the ship. The discharge of any wastes while underway is governed by regulations issued under the provision of the Clean Water Act, Rivers and Harbors Act, Refuse Act, CERCLA/SARA, and others.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2635.

FTS:8-475-8551.

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC61

3279. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM CHLOROTOLUENE PRODUCTION

Legal Authority: 40 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA Section 3001(e) requires EPA to make a determination whether or not to list certain chlorinated aromatic wastes as hazardous wastes within 15 months of the passage of HSWA.

Abstract: The hazardous waste listing regulations may be amended to add new waste codes from the production of certain chlorinated aromatic waste and to designate these wastes hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2716.

FTS:8-382-4770.

Agency Contact: Dr. Ambika Bathija, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 382-4770

RIN: 2050–AC84

3280. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM COKE BY-PRODUCT INDUSTRIES

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA Section 3001(e) requires EPA to make a determination whether or not to list coke by-product wastes within 15 months of the passage of HSWA.

Abstract: The hazardous waste listing regulations may be amended by adding eight new waste codes from the coke by-products industry. These wastes will be designated hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2227.

FTS:8-382-4770.

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 382-4770

RIN: 2050–AC85

3281. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6924(o)(7)/RCRA 3004(o)(7)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to promulgate standards for the location of hazardous waste treatment, storage, and disposal facilities. Two existing location standards (floodplain and seismic zones) at 40 CFR Part 264.18 will be amended d based on new data and information. Additional standards will specify other criteria for the acceptable location of new, expanding, and existing treatment, storage and disposal facilities in a variety of sensitive environments (e.g., unstable terrains, wetlands). The Agency's goals are to enhance the effectiveness of a unit's design and operating controls by avoiding the most sensitive locations, to decrease the future need for cleanups reduce the number of prospective future RCRA Corrective Action and Superfund sites, and to more effectively ensure long-term protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	10/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2303.

FTS:8-382-4654.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4654

RIN: 2050–AB42

3282. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2390.

FTS:8-382-4497.

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 382-4497

RIN: 2050–AB80

3283. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will provide alternate closure options for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects. These rules allow for cover systems to be designed base on unique site and waste characteristics. EPA originally proposed this rule on March 19, 1987 (52 FR 8712); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8712
NPRM (Reproposal)	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2391.

FTS:8-475-8860.

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AB81

3284. EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 9005

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: EPA intends to amend the incinerator standards of Subpart O of Part 264 by proposing additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2453.

FTS:8-382-7924.

Agency Contact: Shiva Garg, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington DC 20460, **202 382-7924**

RIN: 2050–AB90

3285. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency is investigating the need to set separate treatment standards for soil and debris containing hazardous wastes. By statute, these wastes are subject to the Land Disposal Restrictions. If necessary, the Agency will further subcategorize the waste streams to provide separate treatment standards applicable to such wastes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	
Final Action	06/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2461.

FTS:8-475-7702.

Agency Contact: Jerry Vorbach, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-7702**

RIN: 2050–AC03

3286. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This proposal will establish special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2439.

FTS:8-382-4696.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, 20460, **202 382-4696**

RIN: 2050–AC04

3287. CORRECTIVE ACTION FOR RELEASES TO GROUND WATER FROM REGULATED HAZARDOUS WASTE UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to ground water from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures. The requirements for regulated units will be amended to conform to the corrective action requirements for solid waste management units.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2503.

FTS:8-382-4685.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4685**

RIN: 2050–AC28

3288. MODIFICATION OF THE DEFINITION OF WASTEWATER TREATMENT UNIT

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 270

Legal Deadline: None

Abstract: Currently, wastewater treatment units and elementary neutralization units are exempt from the requirements in 40 CFR Parts 264, and 265 (see 45 FR 76074, November 17, 1980). This action will amend the regulations to explain more clearly that thermal treatment units, except sludge dryers, are not exempt from regulation under the "wastewater treatment unit exclusion." It was never EPA's intention that thermal treatment units be exempt from regulation. Rather, specific regulations have been developed for these devices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	01/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2570.

FTS:8-475-9614.

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-9614**

RIN: 2050–AC66

3289. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This amendment will revise financial test criteria that must be satisfied by TSDF owners and operators employing the test to demonstrate RCRA financial responsibility requirements. The anticipated revisions will adjust test criteria so as to increase availability of this assurance mechanism to financially viable and stable firms and increase sensitivity to bankruptcy prediction.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2647.

FTS:8-382-6259.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 382-6259

RIN: 2050–AC71

3290. DEFINITION OF HAZARDOUS WASTE TANK, SURFACE IMPOUNDMENT AND WASTE PILE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA3004

CFR Citation: 40 CFR 260

Legal Deadline: None

Abstract: The Agency is receiving information on an increasing number of situations where it is difficult to determine whether specific types of hazardous waste management units meet the definition of a tank, waste pile or surface impoundment. EPA intends to clarify the difference between these units by revising the definitions for these units in 40 CFR260.1. In particular, EPA expects to address the use of liners for primary containment as well as other issues relating to the use of "earthen" and "nonearthen" materials.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2664.

FTS:8-475-9614.

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-9614

RIN: 2050–AC72

3291. HAZARDOUS WASTE SUMP REQUIREMENTS IN RESPONSE TO RULEMAKING PETITION (REVISION)

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6974; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This regulation will address a petition for rulemaking submitted by the Boeing Company, requesting that EPA amend several hazardous waste tank system requirements as applied to certain existing sumps. A sump is a type of tank. The petition focuses on those existing sumps that are situated inside of buildings and constructed as an integral part of the building's floor or foundation. The petitioner argues that because of differences in design, construction, and use, these sumps should be regulated independently of other hazardous waste storage/treatment tank systems.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2675.

FTS:8-475-9614.

Agency Contact: William J. Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-9614

RIN: 2050–AC79

3292. LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUND WATER MONITORING

Significance: Regulatory Program

Legal Authority: 42 USC 3251/RCRA 3004 and 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: The Appendix IX of 40 CFR Part 264 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in ground water monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first part (Detection Monitoring) of the ground water monitoring program. This proposal would also include a more detailed discussion of the appropriate monitoring techniques than currently exists in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2435.

FTS:8-475-7240.

Agency Contact: James Brown, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington DC 20460, 202 475-7240

RIN: 2050–AC05

3293. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions may be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for

states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2158.

FTS:8-475-9325.

Agency Contact: Nancy Parkinson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, **202 475-9325**

RIN: 2050–AB01

3294. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on the first mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of wastes from the extraction and beneficiation of ores and minerals under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will propose a set of criteria for the proper disposal of mining wastes under RCRA Subtitle D authority. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication in regulatory efforts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	
Final Action	01/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2389.

FTS:8-475-7242.

Agency Contact: Stephen Hoffman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, **202 475-7242**

RIN: 2050–AB77

3295. ● FINANCIAL TEST FOR LOCAL GOVERNMENTS THAT OWN/OPERATE MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: 42 USC 6941 to 6949/RCRA 4001 to 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong local governments that own/operate municipal solid waste landfills the option of using a financial test to demonstrate financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2761.

FTS:8-382-6259.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-6259**

RIN: 2050–AD04

3296. ● ADEQUACY DETERMINATIONS FOR STATE SOLID WASTE PROGRAMS

Legal Authority: 42 USC 6945/RCRA 4005

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulations will describe procedures EPA will use to make determinations of adequacy for State Solid Waste permitting programs, as required by Section 4005 of the Solid Waste Disposal Act, as amended (RCRA). This state adequacy determination regulation is critical to the successful implementation of the Revised Criteria. Section 4005(c)(B) requires States to adopt and implement a permit program, or other system of prior approval, within 18 months after the promulgation of revised criteria under Section 4004(a). Section 4005(c)(C) requires the Administrator to determine whether each State has developed an "adequate program" under this paragraph.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2751.

FTS:8-382-7920

Agency Contact: Lillian Bagus, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, **202 382-7920**

RIN: 2050–AD03

3297. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES - FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/88	53 FR 3818
NPRM	09/00/91	
Final Action	09/00/92	

EPA—RCRA

Proposed Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2465.

FTS:8-382-7903.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC15

3298. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: FINANCIAL TEST FOR SELF INSURANCE FOR LOCAL GOVERNMENT ENTITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 20 CFR 280

Legal Deadline: None

Abstract: These regulations will establish a simple financial test that local governments can use for the purpose of self insuring for taking corrective action and compensating third parties for bodily injury and property damage as required by the Financial Responsibility Requirements promulgated in September 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: SAR No. 2642.

FTS:8-382-7903.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC67

3299. TECHNICAL AMENDMENT TO FINAL UNDERGROUND STORAGE TANK RULES FOR OVERFILL PREVENTION

Legal Authority: 42 USC 6991(b)/RCRA 9003(b)

CFR Citation: 40 CFR 280.20(c)

Legal Deadline: None

Abstract: This action adds a provision to the overfill prevention equipment requirements that provides a performance standard alternative to the two design choices already in the final Underground Storage Tanks (UST) regulations. This clarifies EPA's interpretation of the "other alternatives allowed" provision in the final UST regulations. The added flexibility of meeting a performance standard will more clearly enable UST system owners and operators to use overfill prevention equipment in a manner that is more flexible as long as it is protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2741.

FTS:8-382-7815.

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7815

RIN: 2050–AC97

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

3300. MEDICAL WASTE DEMONSTRATION TRACKING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 6992/Medical Waste Tracking Act

CFR Citation: 40 CFR 259

Legal Deadline: Other, Statutory, May 30, 1989.
The legal deadline prescribed is for an interim final rule by May 1989.

Abstract: Because of the numerous incidents of public exposure to improperly disposed medical waste Congress passed the Medical Waste Tracking Act of 1988. The Act requires EPA to develop a two-year demonstration tracking program for medical waste. The demonstration program sets forth segregation, packaging, labeling, tracking, transportation, and recordkeeping requirements of medical waste generated in the covered States, and lists the wastes to be covered by the program. The emphasis of the tracking program is to assure the generator that the waste is delivered to a proper disposal facility. States participating in the program include New York, New Jersey, Connecticut (effective 6/22/89), Rhode Island, and Puerto Rico (effective 7/24/89).

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/89	54 FR 12326
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2653.

FTS:8-475-8551.

Agency Contact: Michaelle Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC74

3301. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PETROLEUM REFINERY PRIMARY TREATMENT SLUDGE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Other, Statutory, February 8, 1986.
Statutory deadline to determine whether to list "refining wastes" no later than February 8, 1986.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 74893
Notice	02/11/85	50 FR 5637
Notice	04/13/88	53 FR 12162
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2226.

FTS:8-382-4770

For Further Information Contact: RCRA/Superfund Hotline (800-424-9346); in Washington, DC (382-3000)

Agency Contact: John Austin, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-335), Washington, DC 20460, **202 382-4770**

RIN: 2050–AB70

3302. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - WOOD PRESERVING AND SURFACE PROTECTION WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, May 8, 1985. Final, Judicial, June 30, 1990. Best efforts to promulgate by 06/30/90.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53282
Final Action	11/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2174.

FTS:8-475-8551.

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC43

3303. RCRA DEFINITION OF SOLID WASTE (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This regulation will provide: (1) the Agency's interpretation of a court opinion, concerning the Agency's authority in regulating certain recycled hazardous secondary materials and (2) amendments to the rules required by the court's opinion.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 519
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAR No. 2575.

FTS:8-475-8551.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC68

3304. SOLID WASTE DISPOSAL FACILITY CRITERIA

Significance: Regulatory Program

Legal Authority: 42 USC 6907(a)(3)/RCRA 1008(a)(3); 42 USC 6944(a)/RCRA 4004(a); 42 USC 6949(c)/RCRA 4001(c); 33 USC 1345(d)/CWA 405(d); 33 USC 1345(e)/CWA 405(e)

CFR Citation: 40 CFR 257; 40 CFR 258

Legal Deadline: Final, Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require that EPA, by March 31, 1988, revise the Subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the Subtitle D criteria for municipal landfills. The statute requires that, at a minimum these criteria include groundwater monitoring requirements, location standards, and corrective action requirements as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33314
NPRM Comment Period End	11/30/88	53 FR 41210
Final Action	05/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2224.

FTS:8-382-4687.

Agency Contact: Allen Geswein, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC20460, **202 382-4687**

RIN: 2050–AB21

3305. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846) INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test

Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program follow minimum good laboratory practices and quality control/quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3212
NPRM (Supplemental)	02/08/90	55 FR 4440
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2507.

FTS:8-382-3282.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 382-3282

RIN: 2050–AC32

3306. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS: USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903 /RCRA 1004; 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment will generally require those who submit delisting petitions for hazardous wastes to provide groundwater monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41930
Final Action	02/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2622.

FTS:8-382-2224.

Agency Contact: Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, 202 382-2224

RIN: 2050–AC65

3307. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHYL HYDRAZINE

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA 3001(e) requires EPA to make a determination whether or not to list dimethyl hydrazine wastes within 15 months of the passage of HSWA.

Abstract: This rule will determine whether or not to list as hazardous wastes under RCRA four waste streams from the production of unsymmetrical dimethyl hydrazine (UDMH). The Agency will also determine whether or not to designate these wastes as hazardous under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	12/20/84	49 FR 49556
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1954.

FTS:8-475-8551.

Agency Contact: Michael Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC91

3308. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Final, Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. The regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, 2) minimize the presence of free liquids in containers holding hazardous waste to be disposed of in landfills and 3) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Notice of Availability of Supplemental Information	06/24/87	52 FR 23695
Final Action	06/00/94	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2207.

FTS:8-475-8860.

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AA34

3309. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: Burning of hazardous waste in boilers and industrial furnaces for the purpose of heat recovery or material recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste for any purpose, including energy recovery, material recovery, or

destruction. It also considers questions on status of residues from Bevill devices burning non-Bevill wastes.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16982
NPRM (Supplemental)	10/26/89	54 FR 43718
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2078.

FTS-8-382-7921.

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7921**

RIN: 2050–AA72

3310. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(o); 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, May 8, 1987.

Abstract: EPA has proposed these regulations under the authority of section 3004(a) and 3004(o)(4) of the Resource Conservation and Recovery Act. The regulations would require: 1) new landfills, surface impoundments, waste piles, and land treatment units for the treatment, storage, or disposal of hazardous wastes to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles, and certain landfills and surface impoundments; and 3) development of a construction quality assurance program for certain landfills and surface impoundments, as well as final covers at land treatment units. EPA originally proposed this rule on May 29, 1987 (52 FR 20218); the Agency may repropose the double liner sections of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2080.

FTS-8-475-8860.

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 475-8860**

RIN: 2050–AA76

3311. AMENDMENTS TO GROUND-WATER MONITORING AT HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 to 6927/RCRA 3004 to 3007

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action will change the Subpart F ground-water monitoring regulations. The following is a summary of the major changes: - require use of site-specific data and modeling predictions on containment fate and transport for groundwater monitoring variances; - allow flexibility in well installation requirements when existing physical obstacles present installation at the point of compliance; - clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas; - allow flexibility in schedules for submittal of the information upon approval by the Regional Administrator (RA); - clarify the RA's authority to require ground-water flow rate and direction determinations upon site-specific fluctuations in water levels; - clarify the RA's authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone; - clarify the RA's authority to designate supplemental monitoring (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28160
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2277.

FTS:8-382-4654.

ABSTRACT CONT: wells when justified by complicated monitoring situations; and allow a return to detection or compliance monitoring as appropriate; - add quality assurance and quality control requirements for groundwater monitoring devices and methods; clarify the RA's authority to allow monitoring of a subset of Appendix IX constituents.

Agency Contact: Neal Durant, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4654**

RIN: 2050–AB20

3312. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(o)/RCRA 3004o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Final, Statutory, November 1986.

Abstract: This rule establishes minimum technology requirements (e.g., double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, as well as lateral expansions and replacements to existing landfills and surface impoundments. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2388.

FTS:8-382-4684.

EPA—RCRA **Final Rule Stage**

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4684**

RIN: 2050–AB76

3313. LAND DISPOSAL RESTRICTIONS FOR THE THIRD THIRD OF SCHEDULED WASTES

Legal Authority: 42 USC 6924(g); 42 USC 6924(h); 42 USC 6924(j); 42 USC 6924(h); 42 USC 6924(k); 42 USC 6924(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory, May 8, 1990.

Absolute prohibition takes effect on 5/8/90 on land disposal of restricted hazardous waste of any kind for which EPA has not established a treatment standard.

Abstract: This rule will establish land disposal restrictions for the surface disposal and underground injection of the Third Third of scheduled hazardous waste and promulgate treatment standards for these waste streams as required by section 3004(g) and 3004(m) of RCRA. The schedule was published on May 6, 1986 (51 FR 19300).

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48372
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2523. FTS:8-382-4770.

Agency Contact: Robert Scarberry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-330), Washington, DC 20460, **202 382-4770**

RIN: 2050–AC73

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Completed Actions

3314. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE - METHYL BROMIDE

Significance: Agency Priority

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	10/06/89	54 FR 41402

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cate Jenkins 202 382-4786

RIN: 2050–AC60

3315. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	03/29/90	55 FR 11798
Final Action Effective	09/25/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Petruska 202 475-8551

RIN: 2050–AA78

3316. FORTY-SEVEN ANALYTICAL METHODS APPROVED FOR SUBTITLE C RCRA HAZARDOUS WASTE TESTING

CFR Citation: 40 CFR 260; 40 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	09/29/89	54 FR 40260

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Sellers 202 382-3282

RIN: 2050–AC80

3317. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: CHLORINATED ALIPHATIC WASTES

CFR Citation: 40 CFR 261.31; 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	12/11/89	54 FR 50968

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Cochran 202 382-4770

RIN: 2050–AC92

3318. AMENDMENT TO THE FO19 HAZARDOUS WASTE LISTING TO EXCLUDE WASTEWATER TREATMENT SLUDGES FROM ZIRCONIUM PHOSPHATING IN THE ALUMINUM CAN WASHING PROCESS

CFR Citation: 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	02/14/90	55 FR 5340

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Denise Wright 202 382-4770

RIN: 2050–AC78

3319. PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS

Significance: Regulatory Program

CFR Citation: 40 CFR 260; 40 CFR 265; 40 CFR 270

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

EPA—RCRA

Completed Actions

Agency Contact: Deborah Gallman 202 475-6729

RIN: 2050–AC20

3320. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM—FINANCIAL RESPONSIBILITY REQUIREMENTS; SUSPENSION OF ENFORCEMENT PROCEDURES

CFR Citation: 40 CFR 280

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Sammy K. Ng 202 382-7903

RIN: 2050–AC63

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Clean Air Act (CAA)

3321. ● PROTECTION OF STRATOSPHERIC OZONE (RECYCLING)

Significance: Regulatory Program

Legal Authority: 42 USC 7457(b)

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: The Agency is considering whether to begin rulemaking on a national recycling program targeted at key sectors of the chlorofluorocarbon and halon using industries. A recycling program could prevent earlier retirement or costly retrofit capital equipment. Uniform national standards would facilitate a large scale recycling effort by industry.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2793.

FTS:8-475-7497.

Agency Contact: David Lee, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 475-7497**

RIN: 2060–AC80

3322. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory. Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the NO2 NAAQS was completed in June 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete Review of Criteria Document and Staff Paper	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1004.

FTS:8-629-5656.

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, N.C. 27711, **919 541-5656**

RIN: 2060–AC06

3323. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory. Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Clean Air Scientific Advisory Comm. Review Draft of Criteria Document	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2762.

FTS:8-629-5656.

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC07

3324. ● APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS: REVISION OF THE VISIBILITY FIP FOR ARIZONA

Significance: Regulatory Program

Legal Authority: 42 USC 7410/CAA 110; 42 USC 7491/CAA 169(a)

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial, February 1, 1991. Final, Judicial, October 16, 1991.
Final rule must be signed by the Administrator no later than six months following the close of the public comment period.

Abstract: EPA will propose emission limits for the Navajo Generating Station

to remedy winter impairment in the Grand Canyon National Park.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2792.

FTS:8-547-0870.

Agency Contact: Denise Scott, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-0870

RIN: 2060–AC82

3325. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS (REVIEW)

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing and asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. The review has been extended to allow for the gathering of additional test data. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Review began: 8/86

SAR No. 2430.

FTS:8-629-5425.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5425

RIN: 2060–AC21

3326. NESHAP: CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). EPA is investigating the need for regulation of cadmium and techniques to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will propose standards.

Timetable:

Action	Date	FR Cite
Decision on Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1869.

FTS:8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5602

RIN: 2060–AB92

3327. ● EMISSIONS CONTROL SYSTEM DEFECT WARRANTY REGULATIONS

Legal Authority: 42 USC 7541/CAA 202; 42 USC 7542/CAA 202; 42 USC 7601(a)/CAA 301; 42 USC 7422

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: The purpose of this action is to establish regulations under Section 207(a) of the Clean Air Act in order to provide specific guidance to motor vehicle manufacturers, the aftermarket parts industry, and vehicle owners as to the scope of coverage available under the Section 207(a) defect warranty. A list of parts covered would appear in the regulations. The first step in this action will be publication of an advance notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2727.

FTS:8-382-2640.

Agency Contact: Gwendolyn Feltis, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2640

RIN: 2060–AC77

3328. FUEL AND FUEL ADDITIVES: HEALTH AND EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Final, Statutory, August 7, 1978.

Abstract: The CAA requires that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to fuel or additive registration, and or in the case already registered fuels, within three years of the date on which the protocols are promulgated. Fuels and additives already registered or for sale would also have to undergo testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2365.

FTS:8-374-8408.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8408

RIN: 2060–AC10

EPA—CAA **Prerule Stage**

3329. ● CONTROL OF AIR TOXICS FROM MOTOR VEHICLES

Legal Authority: 42 USC 7545/CAA 211; 42 USC 7521/CAA 202

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: None

Abstract: This action would implement regulations to control air toxics from motor vehicles. Two possible approaches will be evaluated. One approach is to consider vehicle-based controls to reduce air toxics from vehicles. The other approach is to consider the control of toxics by regulating the composition of motor fuels. The first step in this action will be publication of an advance notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2769.

FTS:8-374-8287.

Agency Contact: Chris Brunner, Environmental Protection Agency, Air and Radiation, 565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4287**

RIN: 2060–AC75

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

3330. ● ALTERNATIVE FUEL CORPORATE AVERAGE FUEL ECONOMY LABELING REQUIREMENTS

Legal Authority: PL 100-494; 15 USC 2013

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: This action would implement specific actions taken by Congress in the alternative fuel vehicles in the Corporate Average Fuel Economy (CAFE) program. This includes revising the current CAFE regulations to incorporate CAFE credits and labeling requirements and establishing fuel economy test procedures and calculations for alternative fuel vehicles.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2726.

FTS:8-374-8331.

Agency Contact: Kenneth Zerafa, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8331**

RIN: 2060–AC78

3331. ● PROTECTION OF STRATOSPHERIC OZONE (PHASE-OUT)

Significance: Regulatory Program

Legal Authority: 42 USC 7457(b)

CFR Citation: 40 CFR 82

Legal Deadline: NPRM, Judicial, November 15, 1990. Final, Judicial, August 15, 1991.

Abstract: Recent scientific evidence indicates the risks of ozone depletion may be greater than expected. In response, the international community has begun negotiations on whether to strengthen the Montreal Protocol. President Bush has called for a complete phase-out of CFCs provided safe substitutes become available. EPA estimates that the cumulative cost to completely phase-out these chemicals by the year 2000 is approximately $2.7 billion. EPA has entered into a consent decree to determine whether additional regulations are necessary to protect the stratospheric ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	08/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2295.

FTS:8-475-7497.

Agency Contact: David Lee, Environmental Protection Agency, Air and Radiation, (ANR-445), Washington, DC 20460, **202 475-7497**

RIN: 2060–AC84

3332. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals.

Abstract: EPA is reassessing the health and welfare information that has become available since the promulgation of the standard. The Agency has prepared a staff paper for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Closure	01/11/90	
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1919.

FTS: 8-629-5656.

Docket No. A-83-22.

CASAC Closure Completed: 01/11/90

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA95

3333. NAAQS: OZONE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become

available since the last revision of the standard. In May 1989 EPA received closure on the scientific and technical adequacy of the ozone staff paper. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and a decision made on the appropriate standards choice. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare or whether adequate protection is afforded by the current form and averaging time of the standard.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1920.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA96

3334. NAAQS: FINE PARTICULATE MATTER

Significance: Regulatory Program

Legal Authority: 42 USC 7408 /CAA 108; 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.7

Legal Deadline: None

Abstract: On July 1, 1987, EPA issued an ANPRM soliciting public comment on the development of a new secondary (welfare-based) NAAQS for fine particles (those particles less than 2.5 micrometers in aerodynamic diameter). This action represents a continuation of the review process for the secondary standards for particulate matter discussed by the Agency on March 20, 1984 (49 FR 10408). The principal welfare effect to be addressed by such a standard is impairment of visibility. Once a decision on whether and how to proceed is reached, a schedule for further action will be developed.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24670
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2577.

FTS:8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC32

3335. NEW SOURCE REVIEW REQUIREMENTS—CMA EXHIBIT B

Legal Authority: 42 USC 7410 /CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association (CMA) and other parties who challenged the regulation amendments promulgated on August 7, 1980. This action covers the issues in Exhibit B of the agreement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2608.

FTS:8-629-5592.

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC, 27711, **919 541-5592**

RIN: 2060–AC54

3336. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million 1b/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1931.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AB55

3337. NSPS: MUNICIPAL LANDFILLS

Significance: Agency Priority

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The purpose of this action is to develop a proposal for regulating emissions from new and modified municipal landfills under Section 111(b). Pollutants to be regulated would include one or more designated pollutants (pollutants not regulated under Section 108-110 or 112 of the Act) thus invoking Section 111(d). Section 111(d) would require States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	01/00/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2535.

FTS:8-629-5395.

Agency Contact: K.C. Hustvedt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5395**

RIN: 2060–AC42

3338. NSPS: MEDICAL WASTE INCINERATION

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The incineration of medical waste is being investigated for control under Section 111. Add-on controls and operator training requirements are being investigated.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	09/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2719.

FTS:8-629-5425.

Agency Contact: Ken Durkee, Environmental Protection Agency, Air and Radiation, (M13)3), Research Triangle Park, NC 27711, **919 541-5425**

RIN: 2060–AC69

3339. NESHAP: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Statutory, March 1985.

Abstract: This regulation would control emissions of coke oven emissions, which have been designated as hazardous under section 112. It would require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging and leaks from doors, lids, or offtakes for all existing or new sources. A supplemental proposal will be published to reevaluate the standard consistent with the court decision on vinyl chloride.

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
NPRM (Supplemental)	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA48

3340. NESHAP: ASBESTOS REVISION (RISK REDUCTION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revising the asbestos NESHAP to reduce further risks to public health. The Agency is also considering another provision on an accelerated schedule that would address compliance and monitoring provisions only. See asbestos revision (compliance provisions).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS:8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB51

3341. NESHAP: CHROMIUM—INDUSTRIAL COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). EPA is further assessing the public health risks of chromium compounds. Preliminary assessment performed by EPA has identified industrial process cooling towers as a source category for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will propose standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS:8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060–AC12

3342. NESHAP: CHROMIUM—ELECTROPLATING

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. A preliminary assessment

performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	07/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS:8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), **919 541-5602**

RIN: 2060–AC14

3343. NESHAP: HAZARDOUS ORGANICS

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential regulation would control emissions of 1,3-butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, as hazardous air pollutants under Section 112. The potential regulation would cover the production categories and some use categories for these eight pollutants. It would require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2363.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AC19

3344. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: NESHAP regulations are being developed which would apply to all types of commercial dry cleaning machines and could also address auxiliary equipment and work practices.

Timetable:

Action	Date	FR Cite
NOTICE--Intent to List	12/26/85	50 FR 52880
NPRM	02/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2360.

FTS:8-629-5608.

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC27

3345. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential standard would control ethylene oxide emissions from sterilization chambers (other than hospital sterilizers). The emission reduction being considered would require add-on controls for sterilizers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2484.

FTS:8-629-5608.

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC28

3346. NESHAP: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. NESHAP regulations are being developed which would apply to organic solvent cleaners (degreasers) and would control emissions of perchloroethylene, methylene chloride, and trichloroethylene from new and existing sources. The emissions reduction techniques that would be considered would be combinations of add-on controls, hardware and improved operating practices.

Timetable:

Action	Date	FR Cite
NOTICE -- solicitation of public participation	08/17/87	52 FR 29548
NPRM	05/00/91	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 1695.

FTS:8-629-5608.

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC31

3347. GUIDELINE ON AIR QUALITY MODELS (REVISION)

Legal Authority: 42 USC 2475(e)/CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: In response to Section 320 of the Clean Air Act, EPA held the Fourth Conference on Air Quality Modeling in October 1988. Based on input provided to the Agency at or closely following this Conference, additional revisions to EPA's Guideline on Air Quality Models have been defined and a NPRM is being developed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2557.

FTS:8-629-5561.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, **919 541-5561**

RIN: 2060–AC43

3348. ON-BOARD VEHICLE BASED DIAGNOSTIC SYSTEM REQUIREMENT

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206; 42 USC 7526 /CAA 207

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA will evaluate the imposition of requirements for passenger cars and light trucks for on-board vehicle diagnostic systems capable of detecting operational malfunctions within the emissions control system. Emission system failures often go undetected or are misdiagnosed resulting in excess emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen. On-board diagnostic systems, which are required in the California vehicle emissions program beginning with the 1988 model year, have the potential for improving air quality through the early detection and proper repair of emission system failures. This regulatory effort will be structured to complement existing and future State and local inspection and maintenance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2704.

FTS:8-374-8214.

Agency Contact: John German, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4214**

RIN: 2060–AC65

3349. EMISSION STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Through this action, EPA will propose more stringent hydro- carbon and CO emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The proposed standards would be set at levels which could be met by applying currently available passenger car control technology to light trucks. The Agency is currently awaiting CAA changes, as light-duty truck standards are likely to be affected.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 2287.

FTS: 8-374-8496.

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8496**

RIN: 2060–AB85

3350. ● REVISIONS TO REGULATIONS FOR GAS GUZZLER TAX

Legal Authority: PL 94-163/89 Stat. 871; PL 95-619/92 Stat. 3206; 42 USC 7521/CAA 202

CFR Citation: 40 CFR 86; 40 CFR 600; 26 CFR 138

Legal Deadline: None

Abstract: This action will revise provisions of the regulations pertaining to how a manufacturer describes the fuel efficiency of its product line and how that relates to determination of tax liability. The original regulations have been in effect since 1980, and certain deficiencies which would lead to tax avoidance may be inconsistent with congressional intent.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2766.

FTS:8-374-8310.

Agency Contact: Cliff Tyree, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4310**

RIN: 2060–AC76

3351. ● EMISSIONS STANDARDS FOR NEW MOTOR VEHICLES AND MOTOR VEHICLE ENGINES FUELED WITH COMPRESSED NATURAL GAS OR LIQUIFIED PETROLEUM GAS

Legal Authority: 42 USC 7521/CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will implement exhaust emissions standards and test procedures for all classes of motor vehicles and motor vehicle engines fueled with compressed natural gas or liquified petroleum gas. These standards will be equivalent in stringency to standards currently in place for gasoline-, diesel-, and methanol-fueled vehicles and engines.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

SAR No. 2763.

FTS:8-374-8496.

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AC79

3352. AMENDMENTS TO MOTOR VEHICLE IMPORTS REGULATIONS PERTAINING TO CANADIAN VEHICLES

Significance: Agency Priority

Legal Authority: 42 USC 7522 /CAA 203; 42 USC 7525 /CAA 206; 42 USC 7541/CAA 207; 42 USC 7542/CAA 208; 42 USC 7601/CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider amendments to the regulations in 40 CFR Part 85, Subpart P as they pertain to importers of vehicles which are originally sold in Canada and which are identical to their U.S.-certified counterparts. This action is in response to a petition for review of the imports regulations filed on November 24, 1987. A public meeting was held on this action on February 14, 1990.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2665.

FTS:8-382-2542.

Agency Contact: Randall Chaffins, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2542**

RIN: 2060–AC58

3353. INTERIM COLD AMBIENT AIR TEMPERATURE CARBON MONOXIDE EMISSION STANDARDS

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA's current carbon monoxide (CO) emission standards are applicable to the 68 degree to 86 degree fahrenheit temperature range of the current Federal Test Procedure. Since CO emissions are higher at colder ambient temperatures, and since CO ambient air quality problems occur primarily under ambient temperature conditions less than 68 degrees farenheit, EPA is considering the adoption of CO emission standards applicable to 20 degrees fahrenheit.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2660.

FTS:8-374-82.4

Agency Contact: John German, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8214**

RIN: 2060–AC59

3354. REVISIONS TO THE STACK HEIGHT REGULATION

Legal Authority: 42 USC 7423/CAA 123

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: Under the Clean Air Act, emission limitations for sources are generally determined on the basis of local, ground-level concentrations of pollutants. In the absence of laws and/or regulations prohibiting such action, a source can lower the local ground-level ambient pollutant concentrations not only by reducing the amount of pollutants it emits into the air, but also by raising the physical height of its stack or using other dispersion techniques. Section 123, which was added to the CAA by the 1977 Amendments, restricts the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. The EPA promulgated the current stack height regulation on July 8, 1985. On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit upheld EPA's regulation except for three provisions which were remanded to the Agency for proceedings consistent with the court's opinion. The purpose of this action is to revise the stack height regulation in accordance with the January 22, 1988 court decision. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2589.

FTS:8-541-5255.

ABSTRACT CONT: The court remanded two grandfathering provisions which allow dispersion credit, including credit for certain stack height increases. The decision also remanded the allowance of dispersion credit for sources with originally designed and constructed merged stacks. The court concluded that exclusion of these groups of sources from the regulation's restrictions was not adequately supported. The EPA is analyzing the court decision to determine whether further support should be offered for the current provisions or whether the regulations should be revised to limit or delete these exclusionary provisions. The Agency's regulatory decisions and any rule revisions will be proposed for public comment in the Federal Register before final action is taken.

Agency Contact: Doug Grano, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5255**

RIN: 2060–AC60

3355. NONCONFORMANCE PENALTIES FOR 1991 THROUGH 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1991 through 1994 model year emission standards for heavy-duty vehicles and engines. The availability of NCPs will allow a manufacturer, whose vehicles or engines fail to conform with certain

applicable emission standards, but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This rule is the third phase of NCP rulemaking. The first, published August 30, 1985, established generic aspects of NCPs. The second, published December 31, 1985, addressed NCPs applicable to 1987 through 1990 model years.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2431.

FTS:8-382-2487.

Agency Contact: Tony Tesoriero, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, 202 382-2487

RIN: 2060–AC39

3356. GENERAL REQUIREMENTS FOR DETERMINATION OF GASOLINE METAL CONTENT

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will add a new method(s) to a previously promulgated set of testing procedures for the determination of lead (and perhaps other metals) content in gasoline. Such action would provide flexibility to both government and private laboratories in analyzing gasoline samples.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 49999
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2629.

FTS:8-475-8841.

Agency Contact: David Kortum, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 475-8841

RIN: 2060–AC52

3357. FUEL AND FUEL ADDITIVES: ENFORCEMENT OF SECTION 211(F)(4) WAIVERS

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: The purpose of this action is to establish regulations under sections 211(c) and 211(f) of the CAA for the enforcement of prohibitions against certain fuel and fuel additives not complying with CAA requirements. The regulations will also formalize the procedures for reviewing applications from manufacturers of fuel and fuel additives for waivers of the provisions of paragraphs (1), (2), and (3) of section 211(f), which the Agency may grant pursuant to section 211(f)(4).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2604.

FTS:8-382-2640.

Agency Contact: Steven Hoover, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2640

RIN: 2060–AC53

3358. ● REVISIONS TO REGULATIONS ON REGISTRATION OF FUEL AND FUEL ADDITIVES

Legal Authority: 42 USC 7545/CAA 211

CFR Citation: 40 CFR 79

Legal Deadline: None

Abstract: This action would revise the current program governing the registration of fuel and fuel additives. The revisions would update the regulations to imported fuels and additives, additives to ending lubricating oils, and new classes of fuels, such as alternative motor fuels.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2728.

FTS:8-382-2635.

Agency Contact: Jim Caldwell, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2635

RIN: 2060–AC74

3359. RADON USER FEES

Legal Authority: 15 USC 2665 Sec. 305 Indoor Radon Abatement Act

CFR Citation: None

Legal Deadline: None

Abstract: Section 305 of the Indoor Radon Abatement Act authorizes the imposition of fees for certain voluntary proficiency and training programs. The fees will be deposited into a special account with amounts in the account to be appropriated for administering and establishing these programs. Fees will be charged for the National Radon Measurement Proficiency (RMP) Program, field and classroom training, and the National Radon Contractor Proficiency Program (RCPP) exam.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	06/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $3,000,000; Yearly Recurring Cost: $2,500,000; Base Year for Dollar Estimates: 1989

Sectors Affected: Multiple

Additional Information: SAR No. 2690.

FTS:8-475-9617.

Agency Contact: Jamie Burnett, Environmental Protection Agency, Air and Radiation, (ANR-464), Washington, DC 20560, 202 475-9617

RIN: 2060–AC66

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Air Act (CAA)

3360. STATE IMPLEMENTATION PLANS: ATTAINMENT STATUS DESIGNATIONS

Significance: Agency Priority

Legal Authority: PL 100-202

CFR Citation: 40 CFR 81

Legal Deadline: NPRM, Statutory, August 31, 1988.

Abstract: On June 6, 1988 (53 FR 20722), the EPA, as directed by the Mitchell-Conte Amendment of December 22, 1987 (contained in the continuing resolution of 1987, Pub. L. 100-202), proposed to designate as nonattainment under the CAA those areas throughout the nation that have not attained the NAAQS for either ozone or carbon monoxide (CO). Because this action would be superseded by provisions of pending CAA amendment, this project is currently on hold.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20722
NPRM Comment Period End	08/05/88	53 FR 20722
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 5440.

FTS:8-629-5517.

Docket No. A-88-17

Pub. L. 100-202

Agency Contact: **Brock Nicholson**, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AC56

3361. NAAQS: SULFUR OXIDES (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Final, Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and welfare. On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	04/26/88	53 FR 14926
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1002.

Docket No. A-84-25.

FTS:8-629-5656.

Agency Contact: **Bruce Jordan**, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA61

3362. FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLAN TO PROTECT VISIBILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7410 /CAA 110; 42 USC 7491 /CAA 169A

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial. (See Timetable)

Abstract: Section 169A of the CAA requires that State Implementation Plans (SIPs) contain provisions to remedy existing and prevent future visibility impairment in certain national parks and wilderness areas. In 1980, EPA promulgated guideline regulations for States to follow in developing their SIP revisions (40 CFR 51.300-307). Many States failed to submit adequate visibility SIPs and EPA was sued to force the Agency to promulgate SIPs for such States. EPA entered into a consent decree under which it agreed to promulgate SIPs implementing the requirements of the visibility regulations in States that have not submitted adequate SIPs. This activity was divided into four parts, three of which have been completed. Part IV is being separated into two parts. This Agenda entry covers decisions on whether to attribute visibility impairment in Maine and Utah to specific sources. A separate Agenda entry covers regulations to remedy visibility impairment in the Grand Canyon.

Timetable:

Action	Date	FR Cite
Final Action	11/24/87	52 FR 45132
NPRM Remedying Existing Impairment (Part III)	09/15/88	53 FR 35956
Final Action Remedying Existing Impairment (Part III)	05/19/89	54 FR 21904
NPRM Attribution Decision (Part IV)	09/05/89	54 FR 36948
Final Action Attribution Decision for Maine and Utah	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2428.

FTS:8-629-5634.

Docket No. A-89-02

Agency Contact: **Denise W. Scott**, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-0870**

RIN: 2060–AB82

3363. NSPS: SOCMI AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None

Abstract: EPA has proposed regulations which would control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1618.

FTS:8-629-5568.

EPA—CAA **Final Rule Stage**

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA30

3364. NSPS: SOCMI DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed this regulation which would control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1733.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA35

3365. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, August 1982.

Abstract: Upon promulgation, this rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	52 FR 36678
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: Multiple

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AA37

3366. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed to revise the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This proposal does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2044.

FTS:8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB22

3367. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed revisions to the existing NSPS for large fossil-fuel-fired steam generators which would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2083.

FTS:8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AB29

3368. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, June 1, 1989. Final, Judicial, September 1, 1990.

Abstract: EPA has proposed new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 million Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24792
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2239.

FTS:8-629-5251

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AB95

3369. STATE IMPLEMENTATION PLANS: POLICY ON POST-1987 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NOT ATTAINING THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7401 et seq/CAA

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: The EPA is developing a program to deal with the many areas in the country that did not attain the national ambient air quality standards (NAAQS) for ozone and carbon monoxide (CO) by December 31, 1987, the latest date for attainment expressly identified in the Clean Air Act. This notice describes EPA's views about how EPA should interpret the Act so as to bring those areas into attainment. Because this program would be greatly affected or superseded by pending CAA amendments, this project is currently on hold.

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45044
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2559.

FTS:8-629-5517.

Docket No. A-87-18

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AB96

3370. NSPS: MUNICIPAL WASTE COMBUSTORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, November 30, 1989. Final, Judicial, December 31, 1990.

Abstract: The EPA has completed a preliminary assessment of air emissions from municipal waste combustors (MWC). Based on this assessment, EPA has concluded that MWC emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare. As a result, EPA issued a notice in the Federal Register (52 FR 25399) that announces its intent to regulate emissions from new and modified MWC under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sections 108-110 or 112) thus invoking Section 111(d) which will require States to develop additional emissions standards for existing MWC based on EPA guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/87	52 FR 25399
ANPRM Comment Period End	10/06/87	52 FR 37335
NPRM	12/20/89	54 FR 52251
Final Action	12/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2424.

FTS:8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 2771, **919 541-5251**

RIN: 2060–AC26

3371. NSPS: CALCINERS AND DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 741/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed in April, 1986 to regulate particulate matter emissions from calciners and dryers in mineral processing industries. This action will promulgate this regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/23/86	51 FR 15438
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2285.

Docket No. OAQPS 82-39

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, U.S. EPA, Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AC67

3372. RURAL FUGITIVE DUST POLICY FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7401 /et. seq CAA

CFR Citation: 40 CFR 50; 40 CFR 52

Legal Deadline: None

Abstract: Since 1977, EPA has allowed States with rural fugitive dust areas (RFDAs) to discount fugitive dust in developing and enforcing a State Implementation Plan(SIP) for attainment and maintenance of the NAAQS for particulate matter (PM). On July 1, 1987, EPA promulgated revisions to its particulate matter National Ambient Air Quality Standards (NAAQS), 52 FR 24634. In this notice, EPA also solicited comments on alternatives for SIP requirements for RFDAs and on the adequacy of the definitions which are used in identifying RFDAs, and the importance of protecting annual versus 24-hour NAAQS (52 FR 24716). The EPA will issue its decision after considering public comments on the alternatives. The EPA will continue its existing fugitive policy and apply it to implementation of the revised particulate standard until a decision is made.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24716
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2543.

FTS:8-629-5634.

Agency Contact: Robin M. Dunkins, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5335**

RIN: 2060–AC44

3373. NESHAP FOR ASBESTOS (COMPLIANCE REVISIONS)

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revisions to the Asbestos NESHAP to enhance enforcement and promote compliance with the standards. The revision would require monitoring and proper operation and maintenance of air pollution control devices used by asbestos milling, manufacturing, and fabricating sources. It also would require additional clarifications to work practice and would add additional recordkeeping provisions for demolition and renovation operations, including asbestos waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 912
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS:8-629-5625

This action was split from the asbestos risk reduction revision (RIN 2060-AB51) so that the revised compliance revisions could be adopted on an accelerated schedule. The compliance provisions involve none of the legal issues that have delayed the risk reduction action (see "benzene reconsideration" and "asbestos revision, risk reduction").

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AC57

3374. PSD INCREMENTS FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7476/CAA 166

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The purpose of this action is to promulgate prevention of significant deterioration "increments" for the new indicator for particulate matter, PM10. The existing PSD program has particulate matter increments based on the original TSP indicator. The EPA has not promulgated a PM10 NAAQS to replace the original TSP-based particulate matter NAAQs. Therefore, EPA is preparing to revise the PSD program by promulgating PM10 increments in accordance with Section 166 of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	10/05/89	54 FR 41218
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2491.

FTS:8-629-5593.

Docket No. A-88-19

Agency Contact: Daniel DeRoeck, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5593

RIN: 2060–AC33

3375. MOTOR VEHICLE TEST PROCEDURES FOR EVAPORATIVE HYDROCARBONS (REVISION)

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In conjunction with testing in support of EPA's regulatory effort to control motor vehicle vapor emissions, EPA determined that significant evaporative hydrocarbon emissions can occur when a motor vehicle is running. Such emissions are defined by EPA as "running losses." Testing has shown that running losses can be particularly high on hot summer days which are also conducive to ozone formation. Through this action, EPA will evaluate revisions to the motor vehicle test procedures for evaporative hydrocarbons in order to reduce running losses.

Timetable:

Action	Date	FR Cite
NPRM	01/19/90	55 FR 1914
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8332.

This action is a result of the motor vehicle refueling emissions control regulatory action. Previously part of RIN:2060-AC04

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4332

RIN: 2060–AC64

3376. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7414; 42 USC 7541; 42 USC 7542; 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 80; 40 CFR 600; 40 CFR 86

Legal Deadline: None

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. On March 22, EPA promulgated a rule limiting the summertime volatility of gasoline. EPA will continue to assess whether additional control of gasoline volatility is cost-effective and reasonable.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31274
Final Rule	03/22/89	54 FR 11868
Final Action (Additional Control)	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2318.

FTS:8-374-4332.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air

and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4332**

RIN: 2060–AB89

3377. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. The Bush Administration's recently proposed Clean Air Act amendments would delete section 202(a)(6) and substitute a requirement for Stage II controls.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8270.

Agency Contact: Phil Carlson, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, **313 668-4270**

RIN: 2060–AC04

3378. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credits. The study was completed and the Agency made it available to the public and a technical workshop was held in January 1987. EPA proposed a comprehensive trading and banking program for heavy-duty engines in May 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22652
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1315.

FTS:8-374-8408.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4408**

RIN: 2060–AC05

3379. ALTERNATIVE TEST PROCEDURE FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541(b)/CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would consider an alternative testing procedure to be used in the voluntary aftermarket part certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure and Emission Critical Parameters for Specified Parts are acceptable test procedures for this program. On December 14, 1989 (54 FR 51306), a Federal Register notice was published to announce that the public comment period was extended to January 10, 1990.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32598
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2637.

FTS:8-374-4316.

Agency Contact: Michael Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AC50

3380. MOTOR VEHICLE EMISSIONS PERFORMANCE WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider allowing alternative dynamometer specifications for an existing loaded-mode short test approved for use in State and local inspection/maintenance programs in conjunction with the federal emissions performance warranty regulations. The alternative specifications the Agency is considering would allow lower loading, perhaps varying by engine size. Such a change could improve overall test effectiveness for identifying excess in-use emissions and correlation with the Federal Test Procedure. A Federal Register notice was published on December 11, 1989 (54 FR 0776) to announce that the comment period was extended to January 10, 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51956
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2638.

FTS:8-374-8471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8471**

RIN: 2060–AC51

3381. DIESEL FUEL QUALITY STANDARDS

Significance: Regulatory Program

EPA—CAA **Final Rule Stage**

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None

Abstract: Trap oxidizers, the use of which may be required to meet future heavy-duty diesel particulate standards, may require the use of low sulfur diesel fuels. Catalyst technology, where used, will require low sulfur fuels. In promulgating stringent 1991 and 1994 particulate standards for heavy-duty engines, EPA promised to examine the potential need for low-sulfur fuel. In particular, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will consider the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35276
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2366.

FTS:8-374-8496.

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AC00

3382. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I to N

Legal Deadline: None

Abstract: The purpose of this action is to investigate the health impact of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach, with Phase I concerning organic emission leaks and vents, Phase II concerns hazardous waste storage tanks and impoundments, and Phase III deals with residual risks from particular hazardous organic constituents.

Timetable:

Phase I Leaks and Vents
NPRM 02/05/87 (52 FR 3748)
Final Action 04/00/90
Phase II Tanks and Impoundments
NPRM 06/00/90
Final Action 06/00/91
Phase III Constituent Standards
NPRM 00/00/00
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2240.

FTS:8-629-5672.

Agency Contact: K.C. Hustvedt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5395**

RIN: 2060–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Clean Air Act (CAA)

3383. PROTECTION OF STRATOSPHERIC OZONE

Significance: Agency Priority

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Withdrawn due to congressional action	02/26/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stephen Seidel 202 382-2787

RIN: 2060–AC09

3384. NEW SOURCE REVIEW REQUIREMENTS—SURFACE COAL MINES AND FUGITIVE EMISSIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 52.21; 40 CFR 51.166; 40 CFR 52.24; 40 CFR 51, Appendix S

Completed:

Reason	Date	FR Cite
Final Action	11/28/89	55 FR 48876

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: William Lamason 919 541-5374

RIN: 2060–AC40

3385. NSPS: ORGANIC SOLVENT DEGREASING

CFR Citation: 40 CFR 60, Subpart JJ

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AA12

3386. NSPS: PERCHLOROETHYLENE DRY CLEANING

CFR Citation: 40 CFR 60, Subpart OO

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AA14

EPA—CAA

Completed Actions

3387. NSPS: ORGANIC SOLVENT DEGREASING (111D)

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AA33

3388. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Robert G. Kellam 919 541-5647

RIN: 2060–AB56

3389. NESHAP: CHROMIUM

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: James Crowder 919 541-5596

RIN: 2060–AB83

3390. NESHAP: CHROMIUM—COMFORT COOLING TOWERS

Significance: Regulatory Program

CFR Citation: 40 CFR 749

Completed:

Reason	Date	FR Cite
Final Action	01/03/90	55 FR 222

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AC13

3391. NESHAP: RADIONUCLIDES

Significance: Regulatory Program

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	12/15/89	54 FR 51654

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Terrence A. McLaughlin 202 475-9610

RIN: 2060–AC47

3392. NESHAP: BENZENE LITIGATION

Significance: Regulatory Program

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	03/07/90	55 FR 8292

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AC68

3393. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	02/28/90	55 FR 7178

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles Cole 313 668-4444

RIN: 2060–AB54

3394. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Anderson 313 668-8496

RIN: 2060–AC08

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Superfund (CERCLA)

3395. ● ADDITION OF CHEMICALS TO THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES BASED ON THEIR PHYSICAL PROPERTIES

Legal Authority: 42 USC 11002 to 11004

CFR Citation: 40 CFR 355, Appendix A and B

Legal Deadline: None

Abstract: EPA will publish an Advance Notice of Proposed Rulemaking which is intended to alert the public to the Agency's thinking on the addition of new chemicals to the List of Extremely Hazardous Substances based on their physical properties. The Agency has been evaluating criteria for physical properties such as explosivity and flammability.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2758.

FTS:8-382-7912.

EPA—CERCLA — Prerule Stage

Agency Contact: Kathleen Bishop, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 382-7912

RIN: 2050–AD02

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

Superfund (CERCLA)

3396. COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA) COST RECOVERY

Significance: Agency Priority

Legal Authority: 42 USC 96/CERCLA 104 4; 42 USC 9606/CERCLA 106; 42 USC 9607/CERCLA 107; 42 USC 9613/CERCLA 113; 42 USC 9622/CERCLA 122; 42 USC 9605/CERCLA 105; 42 USC 9615/CERCLA 115

CFR Citation: 40 CFR 308

Legal Deadline: None

Abstract: Under CERCLA, potentially responsible parties defined under Section 107(a) are liable for the cost of cleanup of superfund sites. It is Agency policy to pursue those potentially responsible parties in court for costs expended if a cleanup settlement is not reached. As a defense to cost recovery actions, PRPs have increasingly focused on the tactic of investigating the documentation supporting EPA's cost recovery efforts. Rulemaking can be used to present the Agency's views on how to identify the specific recoverable costs, the documentation sufficient to prove EPA's case, and the documents that will be available to PRPs. The cost recovery regulation is designed to make the process more efficient. The regulation will address issues such as: direct costs, indirect costs, recovery of interest, and oversight costs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	07/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2702.

FTS:8-475-6771.

Agency Contact: Carrie Capuco, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 475-6771

RIN: 2050–AC98

3397. NATIONAL CONTINGENCY PLAN-SUBPART K: A ROADMAP TO THE NCP FOR FEDERAL FACILITIES

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Subpart K of the NCP, entitled "Federal Facilities", is a roadmap to the entire NCP for Federal facilities. It consolidates in one subpart of the NCP references to the requirements in the other subparts that Federal agencies must follow when conducting CERCLA response actions where the release is on, or where the sole source of the release is from, their facility.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2650.

FTS:8-475-9801.

Agency Contact: Linda S. Rutsch, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-530), Washington, DC 20460, 202 475-9801

RIN: 2050–AC76

3398. ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2498.

FTS:8-382-5734.

Agency Contact: Hugo Paul Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, 202 382-5734

RIN: 2050–AC26

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Superfund (CERCLA)

3399. DESIGNATION OF EXTREMELY HAZARDOUS SUBSTANCES AS CERCLA HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This rule will designate 232 non-CERCLA extremely hazardous substances (EHS), as defined in Section 302 of SARA Title III, as hazardous substances pursuant to Section 102 of CERCLA. Currently, only releases of those EHSs that are also CERCLA hazardous substances are required to be reported to the National Response Center under CERCLA Section 103. Upon designation, potential confusion concerning the different SARA Title III and CERCLA requirements will be reduced by ensuring consistent procedures for reporting releases of all EHSs.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3388
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2336.

For Further Information Contact: RCRA/Superfund Hotline (800-424-9346); in Washington, DC (202-382-3000)

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 382-5650**

RIN: 2050–AB62

3400. REPORTABLE QUANTITIES (RQS) FOR SUBSTANCES ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for 232 substances on the Extremely Hazardous Substances List, which EPA has proposed for designation as CERCLA hazardous substances. These RQ adjustments will reduce unnecessary reporting of releases to local, State, and Federal officials.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 35988
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2429.

For Further Information Contact: RCRA/Superfund Hotline 800-424-9346; in the Washington, DC 202-382-3000.

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 382-5650**

RIN: 2050–AC14

3401. REPORTING CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12868
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2411.

For Further Information Contact: RCRA/Superfund Hotline (800-424-9346); in Washington, DC (202-382-3000).

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 382-2463**

RIN: 2050–AA46

3402. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: This regulation will clarify the definition of "federally permitted release" in Section 101(10) of CERCLA. Federally permitted releases of hazardous substances are exempt from reporting under Section 103 of CERCLA and from liability.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Supplemental Notice	07/11/89	54 FR 29306
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2394.

For Further Information Contact: RCRA/Superfund 800-424-9346; in Washington, DC 202-382-3000.

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), **202 382-2463**

RIN: 2050–AB82

3403. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 9604(c)/CERCLA 104(c); 42 USC 9621(d)(3)/CERCLA 121(d)(3); 33 USC 1321(c)(2)/CWA 311(c)(2); 42 USC 9605 /CERCLA 105

CFR Citation: 40 CFR 300.440

Legal Deadline: None

Abstract: This rule interprets and codifies (1) the requirements of Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and (2) the revised off-site policy directive (November 13, 1987). Section 121(d)(3) and the directive describe

procedures that must be observed when a response action funded under CERCLA or using a CERCLA authority involves off-site transfer of CERCLA wastes. CERCLA Sec. 121(d)(3) specifies that wastes from removal or remedial actions under CERCLA: 1) only be transferred to facilities that are in compliance with Sections 3004 and 3005 of the Resource Conservation and Recovery Act (RCRA), other applicable Federal laws and State laws, and 2) only be transferred to units at hazardous waste land disposal facilities that are not leaking and where releases from other (non-receiving) units at the facility are under a corrective action program. The rule prescribes procedures where by affected facilities may ask EPA for review of the off-site acceptability determinations.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48218
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2538.

FTS:8-475-9326.

Agency Contact: Nancy Browne, Environmental Protection Agency, Solid Waste and Emergency Response, RCRA Enforcement Division (OS-520), 401 M St., SW., Washington, DC 20460, 202 475-9326

RIN: 2050–AC35

3404. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(A) /CERCLA 105(a)(8)(A); 42 USC 9605(c) /CERCLA 105(c); 42 USC 9618 /CERCLA 118; 42 USC 9625 /CERCLA 125

CFR Citation: 40 CFR 300

Legal Deadline: Final, Statutory.

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system for determining the relative risk among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, requires the HRS be amended to assure, to the extent feasible, that it accurately assesses relative risk to public health and the environment. SARA specifically requires that the HRS take into consideration a number of factors including natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters used for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/87	52 FR 11513
NPRM	12/23/88	53 FR 51962
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2566.

FTS:8-382-3000.

Agency Contact: Steve Caldwell and Jane Metcalfe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AB73

3405. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES UPDATE 9

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.66; 40 CFR 322

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29820
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2688.

FTS:8-382-3000.

Agency Contact: Richard Webster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC99

3406. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 10

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B); 42 USC 9620(d)(2) /CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: None

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	10/26/89	54 FR 43778
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

FTS:8-382-3000.

Agency Contact: Martha Otto, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AD01

3407. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This action prescribes the forms and procedures for persons other than governments to recover response costs incurred in carrying out the National Contingency Plan from the Hazardous Substance Superfund.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37892
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2564.

FTS:8-382-4645.

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-4645**

RIN: 2050–AA90

3408. TECHNICAL ASSISTANCE GRANTS TO GROUPS OF INDIVIDUALS AT SUPERFUND SITES

Legal Authority: 42 USC 9617 /SARA 117

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site and require matching funds. This limit may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	03/24/88	53 FR 9736
Revised Interim Final Rule	12/01/89	54 FR 49948
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2401.

FTS:8-382-2443.

Agency Contact: Murray Newto, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-2443**

RIN: 2050–AC10

3409. REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 373

Legal Deadline: Final, Statutory, April 17, 1988.

Abstract: Section 120(h) of CERCLA requires disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred by the U.S. Section 120(h)(2) directs EPA, after consultation with the General Services Administration, to promulgate regulations regarding the form and maneuver of such notice. This section of SARA requires that the agencies holding such land provide, at the time of transfer, a covenant warranting that: (1) all remedial actions necessary for protection of human health and environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S. EPA is not required to develop rules concerning these latter requirements and is not doing so.

Timetable:

Action	Date	FR Cite
NPRM	01/13/88	53 FR 850
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2464.

FTS:8-475-5647.

Agency Contact: Deborah Lebow, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, **202 475-8235**

RIN: 2050–AC00

3410. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123; 42 USC 9611(c)(11)

CFR Citation: 40 CFR 310

Legal Deadline: Final, Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/87	52 FR 39386
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2409.

FTS:8-382-3382.

Agency Contact: Local Gov't Reimbursement Coordinator, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, **202 382-3382**

RIN: 2050–AC11

3411. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT-TO-KNOW REPORTING REQUIREMENTS; IMPLEMENTATION OF REPORTING REQUIREMENTS FOR INDIAN LANDS

Significance: Regulatory Program

Legal Authority: 42 USC 11011(b)/SARA 311(b); 42 USC 11012(b)/SARA 312(b); 42 USC 11002/SARA 302; 42 USC 11004/SARA 304; 42 USC 11013/SARA 313

CFR Citation: 40 CFR 350; 40 CFR 355; 40 CFR 370; 40 CFR 372

Legal Deadline: None

Abstract: Under Title III of SARA, EPA has authority to establish thresholds below which facilities do not have to report. In the rule published on October 15, 1987, EPA set reporting thresholds for the first two years of reporting. At

the same time, the Agency made a commitment to further evaluate the appropriate level for a final threshold. The proposed rule set forth the proposed permanent threshold for reporting as well as proposed amendments to the sections 302, 304, and 313 final rules. The final rule will establish a uniform final reporting threshold for Sections 311 and 312, and will finalize other amendments.

Timetable:

Action	Date	FR Cite
NPRM	03/29/89	54 FR 12992
Interim Final (Reporting Threshold)	10/12/89	54 FR 41902
Supplemental Notice	10/12/89	54 FR 41904
Supplemental Final (Reportable Quantities)	10/20/89	54 FR 43164
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2644.

FTS:8-475-8353.

Agency Contact: Kathleen Jones, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 475-8353

RIN: 2050–AB88

3412. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9609/11045

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for all penalties to be assessed under CERCLA Section 109 and SARA Section 325. The rule provides the procedures for these penalty assessments. The action is expected to have a negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/89	54 FR 21174
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2512.

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, Office of Enforcement (LE-134S), Washington, DC 20460, 202 475-9437

RIN: 2050–AC39

3413. PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA AND THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9659/SARA 326; 42 USC 11046/CERCLA 310

CFR Citation: 40 CFR 310; 40 CFR 326

Legal Deadline: None

Abstract: These regulations are promulgated under Section 326 of Title III of SARA and Section 310 of CERCLA. They govern the notice required to be given 60 days prior to the filing of a citizen suit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3918
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2615.

FTS:8-382-2860.

Agency Contact: Patricia Winfrey, Environmental Protection Agency, Solid Waste and Emergency Response, Office of Enforcement (LE-134S), Washington, DC 20460, 202 382-2860

RIN: 2050–AC70

ENVIRONMENTAL PROTECTION AGENCY (EPA) Completed Actions

Superfund (CERCLA)

3414. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

Significance: Regulatory Program

CFR Citation: 40 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	03/08/90	55 FR 8666

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Tod Gold 202 475-8406

RIN: 2050–AA75

3415. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7; HEALTH ADVISORY SITES

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	11/21/89	54 FR 48184

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra J. Crystall 202 382-3000

RIN: 2050–AC16

3416. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 6

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

EPA—CERCLA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 40889

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra J. Crystall 202 382-3000

RIN: 2050–AC47

3417. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - RCRA SITES

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 41000

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Henry Stevens 202 382-3000

RIN: 2050–AC48

3418. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 8

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	02/21/90	55 FR 6154

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Myers 202 382-3000

RIN: 2050–AC81

3419. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE (HEALTH ADVISORY SITES)

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	11/21/89	54 FR 48184

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Martha Otto 202 382-3000

RIN: 2050–AD00

3420. DELISTING CERTAIN CHEMICALS FROM THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES (REVISION)

CFR Citation: 40 CFR 355

Completed:

Reason	Date	FR Cite
Final Action	02/15/90	55 FR 5544

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen Bishop 202 382-7912

RIN: 2050–AC77

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

General

3421. EVALUATION PROCEDURE FOR AWARD OF FIXED PRICE CONTRACTS FOR COMMERCIAL SUPPLIES AND SERVICES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: The rule will result in the addition of an evaluation procedure to EPA Aquisition Regulation for making award of certain fixed price contracts for commercial supplies or services the procedure will provide for award to the lowest price offeror whose technical proposal meets the minimum needs of the government.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0952.

FTS:8-245-3940.

Agency Contact: Gil Florence, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 245-3940

RIN: 2030–AA09

3422. CONTRACTOR COMPLIANCE WITH INFORMATION RESOURCES MANAGEMENT DIRECTIVES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1510; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractor compliance with Agency directives for contracts involving information resources management. Examples of such contracts include the acquisition or modification of a computer program, data communications, and ADP or word processor equipment or services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0951.

FTS:8-382-5028.

P.L. 98-577, Sec. 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5028

RIN: 2030–AA10

3423. MISCELLANEOUS DELEGATIONS FROM THE CONTRACTING AUTHORITY

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501; 48 CFR 1503; 48 CFR 1506; 48 CFR 1514; 48 CFR 1515; 48 CFR 1516; 48 CFR 1517; 48 CFR 1522; 48 CFR 1530; 48 CFR 1531; 48 CFR 1532; 48 CFR 1536; 48 CFR 1545

Legal Deadline: None

Abstract: This rule will amend the EPA Aquisition Regulations to reflect delegations made by the head of contracting activity to other aquisition officials for the exercise of various authorities in the acquisition process. Examples include source selection, approval of termination settlements, and approval of award fee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0950.

FTS:8-245-3938.

P.L. 98-577, Section 302

Agency Contact: Jane Rasberry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 245-3938**

RIN: 2030–AA11

3424. DATA RIGHTS

Legal Authority: PL 98-377, sec 302

CFR Citation: 48 CFR 1527; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will delete coverage in EPA Aquisition Regulation on data rights that duplicates FAR coverage. EPAAR coverage was issued to insert clauses that FAR did not include at that time. FAR has since included appropriate coverage.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2740.

FTS:8-245-3938.

Agency Contact: Jane Rasberry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 245-3938**

RIN: 2030–AA16

3425. CLAIMING BILLING INFORMATION AS CONFIDENTIAL INFORMATION

Legal Authority: 40 USC 4/63 Stat. 390 Section 205(c), as amended

CFR Citation: 48 CFR 1524; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will provide EPA contractors with procedures for claiming billing information submitted to the Agency as Confidential Business Information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2739.

FTS:8-382-5019.

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA17

3426. AMENDMENTS TO PART 22 CONSOLIDATED PROCEDURAL RULES

Legal Authority: 7 USC 1361(a); 15 USC 2615(a); 33 USC 1415(a); 42 USC 7545; 42 USC 7601; 42 USC 6928

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Agency is proposing technical amendments to the Consolidated Rules of Practice under 40 CFR Part 22. These amendments will include correction of the address to which penalty payments are sent, lengthening the period to file an appeal, and modifying the specified procedures for service of process. The Agency will incorporate other technical amendments in the rules as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2662.

FTS:8-475-8781.

Agency Contact: Larry Blackwood, Environmental Protection Agency, Office of Enforcement, (LE-133), Washington, DC 20460, **202 475-8781**

RIN: 2020–AA13

3427. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552/Freedom of Information Act ; 7 USC 136h/FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2195.

FTS:8-382-5460.

Agency Contact: Beverly Horn, Environmental Protection Agency, Office of Enforcement, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020–AA06

3428. PROCEDURES AND REQUIREMENTS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT FOR THE EPA'S RESEARCH AND DEVELOPMENT PROGRAM AND FOR PUBLIC AND OTHER FEDERAL AGENCY INVOLVEMENT

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6.700

Legal Deadline: None

Abstract: This action amends EPA's National Environmental Policy Act (NEPA) regulation in 40 CFR Part 6, Subpart G which addresses the environmental review procedures for research and development projects undertaken by EPA's Office of Research and Development (ORD). The purpose of this rulemaking is to develop procedures for categorically excluding classes of ORD actions having no significant impact on the environment, from the requirement to prepare an environmental assessment (EA) or an environmental impact statement (EIS). The rulemaking also clarifies the criteria under which EPA would be required to prepare an EIS. This rulemaking will enable EPA to focus its resources on assessing research and development projects which have the potential to significantly affect the environment. The revisions are consistent with the Council on Environmental Quality's NEPA regulation in 40 CFR Parts 1500-1508.(cont)]

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2536.

FTS:8-382-5905. ABSTRACT CONT: This action also revises 40 CFR Part 6 Subpart D which addresses NEPA review procedures for public and other agency involvement. The proposed rulemaking would eliminate the current Agency requirement for public notice of EPA's categorical exclusion determinations, except for the Construction Grants projects. This revision would make the regulation consistent with CEQ and other federal agency NEPA regulations.

Agency Contact: Judith Troast, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, **202 382-5905**

RIN: 2030–AA14

3429. ● MONTHLY PROGRESS REPORTS AND INVOICES

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1510; 48 CFR 1532; 48 CFR 1552

Legal Deadline: None

Abstract: This proposed rule will enable EPA and its contractors to perform financial monitoring of contractor performance more effectively.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2790.

FTS:8-382-5032.

Agency Contact: Paul Schaeffer, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5032**

RIN: 2030–AA19

3430. ● INSTRUCTIONS FOR PREPARATION OF COST OR PRICING PROPOSALS

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: This proposed rule will request additional information from offerors to allow EPA to more quickly and accurately evaluate cost or pricing proposals submitted in response to solicitations and will require that cost or pricing information be submitted on computer disks as well as hard copy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2791.

FTS:8-382-5019.

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA20

3431. ● ADVISORY AND ASSISTANCE SERVICES

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1537

Legal Deadline: None

Abstract: This proposed rule will amend EPAAR to ensure consistency with OMB Circular A-120 requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

SAR No. 2788.

FTS:8-382-5019.

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource

EPA—GENERAL — Proposed Rule Stage

Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA21

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Final Rule Stage

General

3432. IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON RATIFICATION OF UNAUTHORIZED COMMITMENTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501.6

Legal Deadline: None

Abstract: Federal Acquisition Circular 84-33, dated February 8, 1988 amended the Federal Acquisition Regulation to provide coverage on ratification of unauthorized commitments. This rule will delete duplicative FAR information in the EPA Acquisition Regulation, and implement policies and procedures unique to EPA.

Timetable:

Action	Date	FR Cite
NPRM	12/11/89	54 FR 50778
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0949.

FTS:8-382-5035.

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5035**

RIN: 2030–AA12

3433. PAYMENT OF FEE ON TERM FORM CONTRACTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will address the payment of fees on cost-reimbursable term form contracts. The rule will recommend a change to the current procedure of making provisional payments of fee as a percentage of cost incurred to a method based on the number of direct hours performed in relation to the total level of effort in the contract.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	54 FR 53659
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2683.

FTS:8-382-5019.

PL 98-577 Section 302

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA15

3434. BILLING REQUIREMENTS FOR EPA CONTRACTORS

Legal Authority: 40 USC 486(c)/63 Stat 390, Section 205(c), as amended

CFR Citation: 48 CFR 1532; 48 CFR 1552

Legal Deadline: None

Abstract: The interim rule will require EPA contractors to include EPA accounting information on payment requests; have the same period of performance for both progress reports and payment requests; and submit duplicate copies of payment requests to EPA project officers and contracting officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/89	54 FR 40876
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2738.

FTS:8-382-5019.

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA18

3435. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2306
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2218.

FTS:8-382-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2090–AA09

EPA—GENERAL

Final Rule Stage

3436. EPCRA INSPECTION AUTHORITY AND PROCEDURES

Legal Authority: 15 USC 11048

CFR Citation: 40 CFR 375

Legal Deadline: None

Abstract: This regulation sets out EPA's authority to inspect under the Emergency Planning and Community Right-to-Know Act (EPCRA). It will also set out EPA's guidelines for conducting these inspections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2652.

FTS:8-475-8693.

Agency Contact: Vincent Giordano, Environmental Protection Agency, Office of Enforcement, (LE-134P), Washington, DC 20460, 202 475-8693

RIN: 2020–AA15

3437. ● DUPLICATION OF WORK

Legal Authority: PL 98-377/Section 302

CFR Citation: 48 CFR 1512; 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will require contractors to certify that work ordered by the Agency does not duplicate or is not similar to work previously performed or currently being performed for the Agency. The verification requirements will be in addition to those prescribed by the DFPP policy letter on conflicts of interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

SAR No. 2789.

FTS:8-382-5035.

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5035

RIN: 2030–AA23

3438. COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Legal Authority: 42 USC 9601 /CERCLA 104(c)

CFR Citation: 40 CFR 31

Legal Deadline: None

Abstract: Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, there are provisions for recovering clean-up costs from responsible parties. In order for the cost recovery provisions to be effective, recipients of Superfund Assistance Agreements must adhere to strict management practices in all aspects of administering the Agreement. Therefore, EPA will issue this regulation to set forth all administrative requirements for Superfund Assistance Agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4132
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAR No. 2476.

FTS:8-382-5296.

Agency Contact: Richard Johnson, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 382-5296

RIN: 2030–AA22

ENVIRONMENTAL PROTECTION AGENCY (EPA)

General

Completed Actions

3439. ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION (EPAAR); SUBMISSION OF GENERAL FINANCIAL AND ORGANIZATIONAL INFORMATION, AND PURCHASING SYSTEM INFORMATION BY OFFERORS

CFR Citation: 48 CFR 1515; 48 CFR 1552

Completed:

Reason	Date	FR Cite
Final Action	09/06/89	54 FR 36979

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Edward N. Chambers 202 382-5028

RIN: 2030–AA06

[FR Doc. 90-6987 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. chapter 6. The agenda contains all regulations which are scheduled for review or development during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 "L" Street NW., Washington, DC 20507; telephone (202) 663-4689.

SUPPLEMENTARY INFORMATION: The Commission identified nine current and projected rulemakings for inclusion in the agenda. Two of the listings have been published as ANPRMs. Two have been published as NPRMs. Five are currently under development or review by Commission staff.

Signed in Washington, DC, this 20th day of February 1990.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3440	Uniform Guidelines on Employee Selection Procedures	3046-AA00
3441	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
3442	Early Retirement Plans	3046-AA36
3443	Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans	3046-AA37

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3444	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
3445	Uniform Guidelines on Employee Selection Procedures	3046-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3446	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
3447	Pension Accruals and Contributions Under ADEA	3046-AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Prerule Stage

3440. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of

recommended changes and other affected agencies will be consulted under EO 12067.

Timetable:

Action	Date	FR Cite

Next Action Undetermined.

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 663-4669

RIN: 3046–AA00

3441. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 663-4690

RIN: 3046–AA22

3442. EARLY RETIREMENT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 628

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26789
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 663-4690

RIN: 3046–AA36

3443. POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the addition of sec. 4(g) to the Act and the lifting of the age 70 cap. Accordingly, the Commission requested public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision. The continuing viability of this project will be assessed in light of the Supreme Court's decision in Public Employees Retirement System of Ohio v. Betts, 109 S. Ct. 2854 (1989).

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26788
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 663-4690

RIN: 3046–AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Proposed Rule Stage

3444. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Public comments are undergoing evaluation.

Timetable:

Action	Date	FR Cite
Commission Vote to Approve NPRM for Circulation to OMB	05/22/89	
Issuance Sent to OMB for Review	05/24/89	
NPRM	10/31/89	54 FR 45747
NPRM Comment Period End	01/01/90	
Evaluation of Public Comments Ongoing	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 663-4669**

RIN: 3046–AA11

3445. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00, Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 663-4001**

RIN: 3046–AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Final Rule Stage

3446. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under EO 12067, DOJ under EO 12250, and from OMB under EO 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under EO 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under EO 12250.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA10

3447. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Final, Statutory, February 1, 1988.
Rule will be completed when the Department of the Treasury completes its regulatory review.

EEOC

Final Rule Stage

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding pension accruals and contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45360
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA31

[FR Doc. 90-5947 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XXIV

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 "Federal Regulation," the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1990, to March 31, 1991.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Susan Kantor Bank, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3543. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" directs each executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of requirements imposed by the Executive order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations and regulations which will be under review during the period April 1, 1990, to March 31, 1991. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published October 30, 1989, at 54 FR 45356.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: February 23, 1990.

George W. Watson,

Acting General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3448	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3449	Nondiscrimination in Federally-Assisted Programs	3067-AA00
3450	National Security Policy Guidance Governing the Scientific and Engineering Workforce	3067-AA43
3451	Individual and Family Grant Program Changes	3067-AA64
3452	Review and Approval of State and Local Emergency Response Plans	3067-AA76
3453	Radiological Emergency Planning and Preparedness	3067-AA77
3454	National Flood Insurance Program Changes for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB42
3455	Temporary Housing Assistance	3067-AB43
3456	Use of Civil Defense Personnel, Materials, and Facilities for Natural Disaster Purposes	3067-AB48
3457	National Flood Insurance Program: Deductible Provisions	3067-AB50
3458	National Defense Executive Reserve Guidance	3067-AB51
3459	Federal Crime Insurance Program Increase	3067-AB53
3460	Individual and Family Grant Programs	3067-AB54
3461	National Security Emergency Exercise Program	3067-AB57

FEMA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3462	Emergency Health and Medical Occupations	3067-AA38
3463	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14
3464	Nondiscrimination in Federally Assisted Programs on the Basis of Age	3067-AB16
3465	Federal Emergency Management Agency Acquisition Regulations	3067-AB40
3466	Disaster Assistance, Hazard Mitigation Grant Program	3067-AB41
3467	Disaster Assistance; Hazard Mitigation Planning	3067-AB45
3468	Protection of Essential Resources and Facilities	3067-AB46
3469	Predesignation of Nonindustrial Facilities for National Security Emergency Use	3067-AB47
3470	Radiological Emergency Program: User Fees	3067-AB49
3471	Individual Assistance Programs Other Than the Individual and Family Grant Program	3067-AB52
3472	Great Lakes Planning Assistance	3067-AB56

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3473	Flood Insurance Rating System Changes	3067-AA98
3474	National Flood Insurance Program Elevation Requirements for Manufactured Homes	3067-AB25
3475	National Flood Insurance Program Changes	3067-AB32
3476	Graduated Mobilization Response	3067-AB35
3477	Disaster Assistance	3067-AB37
3478	National Flood Insurance Program (NFIP) Criteria for Evaluating Coastal Flood Control Structures and Other NFIP Changes	3067-AB44

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

3448. COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-38 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy J. Holt, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3505

RIN: 3067–AB18

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Proposed Rule Stage

3449. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	11/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Katherine H. Shannon, Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3962

RIN: 3067–AA00

3450. NATIONAL SECURITY POLICY GUIDANCE GOVERNING THE SCIENTIFIC AND ENGINEERING WORKFORCE

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 324

Legal Deadline: None

Abstract: Provides policy guidance for Federal departments and agencies governing the availability and utilization of scientific and engineering workforce to meet Federal Government needs during a national security emergency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James S. Gilbertson, Senior Planning Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3547

RIN: 3067–AA43

3451. INDIVIDUAL AND FAMILY GRANT PROGRAM CHANGES

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: The following revisions to the regulations are being considered: establishing a group flood insurance policy for all IFG recipients for each flood declaration; reduce the application period for IFG assistance; change references to obsolete forms; reduce the amount of applicant recordkeeping required by States; revise the formula for calculating State administrative costs; include guidance on current IG audit report procedures, and revise the requirements for the IFG State administrative plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donna M. Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3662

RIN: 3067–AA64

3452. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Vern Wingert, Chief, Program Development Brand, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2872

RIN: 3067–AA76

3453. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Vern Wingert, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2872

RIN: 3067–AA77

3454. NATIONAL FLOOD INSURANCE PROGRAM CHANGES FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4002 et seq; EO 23227

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provided a new benefit to National Flood Insurance Program policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA published interim regulations on this subject on September 23 and November 2, 1988, and commissioned an investigation through the National Academy of Sciences to provide a basis for further regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	
Final Action	02/00/91	
Final Action Effective	10/01/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB42

3455. TEMPORARY HOUSING ASSISTANCE

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206.101

Legal Deadline: None

Abstract: Revisions to the method of providing assistance being considered would require revision to those sections of the regulations covering the types of assistance available, particularly the home repairs and rental assistance. Another change is the removal of the provision for State governments to administer the program. Other changes may be proposed as a result of reviews currently being performed. The comments received as a result of this proposed rule, along with those received as a result of the publication of the interim rule (54 FR 11610) will be considered, and a consolidated final rule will be prepared.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	01/00/91	
Final Action	06/00/91	
Final Action Effective	07/00/91	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: F. Scott Martin, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3650

RIN: 3067–AB43

3456. USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

Legal Authority: 50 USC app 2253

CFR Citation: 44 CFR 312.5

Legal Deadline: None

Abstract: This rule amends the use of civil defense personnel in time of natural disasters. This amendment extends the requirement that State officials contact FEMA Regional Directors in order to extend use of fully federally funded staff on disaster duty after 15 days to matching programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Gilboy, EMA Program Manager, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3507

RIN: 3067–AB48

3457. NATIONAL FLOOD INSURANCE PROGRAM: DEDUCTIBLE PROVISIONS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: Regulations will establish a lower deductible for any group flood insurance policy issued by the National Flood Insurance Program as it relates to Federal disaster assistance provided under the Individual and Family Grant Program after a Presidential disaster declaration has been made.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	
Final Action	12/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3419

RIN: 3067–AB50

3458. NATIONAL DEFENSE EXECUTIVE RESERVE GUIDANCE

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 337

Legal Deadline: None

Abstract: Provides guidance and procedures for those Federal departments and agencies delegated authority under Executive Order 11179 to sponsor reserve units under National Defense Executive Reserve Program.

Timetable:

Action	Date	FR Cite
NPRM	02/15/90	55 FR 5476
NPRM Comment Period End	04/16/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda Matticks, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-2703

RIN: 3067–AB51

3459. FEDERAL CRIME INSURANCE PROGRAM INCREASE

Legal Authority: 12 USC 1749bbb et seq; EO 12127

CFR Citation: 44 CFR 83

FEMA **Proposed Rule Stage**

Legal Deadline: None

Abstract: A Federal Crime Insurance premium rate increase and some classification revisions are planned.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Operations, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3440**

RIN: 3067–AB53

3460. INDIVIDUAL AND FAMILY GRANT PROGRAMS

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 206.131 (Subpart E of Part 206)

Legal Deadline: None

Abstract: The IFG program will be revised in several areas, some of which are required as a result of passage of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Some of the areas to be revised are flood insurance and floodplain management requirements, revision of the maximum award to $10,000 and elimination of advance of the State's share.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	01/00/91	
Final Action	06/00/91	
Final Action Effective	07/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Interim rules to implement the Stafford Act were published on March 21, 1989. Comments received as a result of that publication will be considered along with comments received as a result of this proposed rule, and both will be incorporated into a final rule.

Agency Contact: Donna Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3662**

RIN: 3067–AB54

3461. ● NATIONAL SECURITY EMERGENCY EXERCISE PROGRAM

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; 50 USC app 2251 et seq; EO 12656; EO 12148; EO 10480

CFR Citation: 44 CFR 339

Legal Deadline: None

Abstract: Provides policy and procedural guidance for the National Security Emergency Exercise Program that is to be supported by the heads of all appropriate Federal departments and agencies in accordance with section 104(e) of EO 12656.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Donald F. Benedict, Chief, Exercises Branch, Office of Readiness, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3516**

RIN: 3067–AB57

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Final Rule Stage

3462. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; 50 USC app 2251 et seq; EO 12656

CFR Citation: 44 CFR 325

Legal Deadline: None

Abstract: Identifies those medical occupations and skills for which there will be a critical need in time of a national security emergency.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30565
NPRM Comment Period End	09/20/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard Marilley, Senior Policy Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3003**

RIN: 3067–AA38

3463. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC app 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None

Abstract: Changes within existing regulation to delete one allocation formula factor. The EMA Program currently has a 4 factor formula. The 5% factor and the 10% factor are so very similar in impact that for the sake of simplification they are to be combined. The formula will thus have only 3 factors. The concern of recipients is that no State will receive less funding than in the previous fiscal year to maintain staff strength. This will be ensured because the regulation change requires restoring any State to its prior year's level in any year when the funding is sufficient.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32140
NPRM Comment Period End	10/26/87	52 FR 32140
Final Action	05/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

FEMA

Final Rule Stage

Agency Contact: Tom Gilboy, EMA Program Manager, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3507

RIN: 3067–AB14

3464. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS ON THE BASIS OF AGE

Legal Authority: 42 USC 6103

CFR Citation: 44 CFR 7, Subpart E

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 922
NPRM Comment Period End	03/14/88	53 FR 922
Final Action	04/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Alan Clive, Equal Employment Manager, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3957

RIN: 3067–AB16

3465. FEDERAL EMERGENCY MANAGEMENT AGENCY ACQUISITION REGULATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: The parts of the FEMAAR affected by this revision relate to unsolicited proposals, formal source selection, handicapped discrimination, protests to the agency, and rights to technical data and computer software. These sections have been revised to set forth internal procedures or to conform to revisions to the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	
Interim Final Rule	04/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Christine A. Makris, Chief, Policy & Evaluation Division, Office of Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3743

RIN: 3067–AB40

3466. DISASTER ASSISTANCE, HAZARD MITIGATION GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; 33 USC 426p Note; PL 100-707

CFR Citation: 44 CFR 206

Legal Deadline: Final, Statutory, May 23, 1989.

Abstract: This interim rule implements section 404 of the Robert T. Stafford Relief and Emergency Assistance Act (PL 93-288, as amended). The document provides requirements and establishes general procedures for administration of the Hazard Mitigation Grant Program. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/22/89	54 FR 22173
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Patricia Stahlschmidt, Mitigation Assistance Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3678

RIN: 3067–AB41

3467. DISASTER ASSISTANCE; HAZARD MITIGATION PLANNING

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; PL 100-707

CFR Citation: 44 CFR 206.100

Legal Deadline: None

Abstract: This proposed rule addresses hazard mitigation planning requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Planning requirements with the section 404 Hazard Mitigation Grant Program and other hazard mitigation programs.

Timetable:

Action	Date	FR Cite
NPRM	09/14/89	54 FR 37952
NPRM Comment Period End	11/13/89	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Patricia Stahlschmidt, Mitigation Assistance Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3678

RIN: 3067–AB45

3468. PROTECTION OF ESSENTIAL RESOURCES AND FACILITIES

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 335

Legal Deadline: None

Abstract: Provides policy and guidance for Federal departments and agencies on how to carry out their responsibilities for national assets protection under section 204 of Executive Order 12656.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32350
NPRM Comment Period End	10/06/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James S. Gilbertson, Senior Planning Officer, Federal Emergency Management Agency, 500 C

FEMA

Final Rule Stage

Street, SW., Washington, DC 20472, 202 646-3547

RIN: 3067–AB46

3469. PREDESIGNATION OF NONINDUSTRIAL FACILITIES FOR NATIONAL SECURITY EMERGENCY USE

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 336

Legal Deadline: None

Abstract: Provides policy and procedural guidance to assist the Federal departments and agencies in the development of plans for the predesignation and assignment of nonindustrial facilities to ensure that emergency requirements can be met in time of national emergency.

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 26213
NPRM Comment Period End	08/21/89	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James S. Gilbertson, Senior Planning Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3547

RIN: 3067–AB47

3470. RADIOLOGICAL EMERGENCY PROGRAM: USER FEES

Legal Authority: 31 USC 9701; EO 12657; EO 12148

CFR Citation: 44 CFR 353

Legal Deadline: None

Abstract: The proposed regulation sets out fees charged for site specific radiological emergency planning and preparedness rendered by the Federal Emergency Management Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/11/89	54 FR 27390
Final Action	03/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vern Wingert, Chief, Program Development Branch, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20427, 202 646-2872

RIN: 3067–AB49

3471. INDIVIDUAL ASSISTANCE PROGRAMS OTHER THAN THE INDIVIDUAL AND FAMILY GRANT PROGRAM

Significance: Agency Priority

Legal Authority: PL 93-288, as amended by PL 100-707; 42 USC 5121, et seq

CFR Citation: 44 CFR 206.141; 44 CFR 206.151; 44 CFR 206.161; 44 CFR 206.164; 44 CFR 206.171; 44 CFR 206.181; 44 CFR 206.191

Legal Deadline: None

Abstract: Subpart F covers the following programs, which will be revised in a final rule to accommodate passage of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: disaster unemployment assistance, food commodities, disaster legal services, crisis counseling assistance and training, use of gifts and bequests for disaster assistance purposes, and duplication of benefits. The disaster legal services and Cora Brown regulations will be drafted as a proposed rule, and the comments received will be considered along with those received as a result of the interim rule on the Stafford Act (54 FR 11610) and a consolidated final rule will be prepared.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/89	54 FR 11610
Final Action	06/00/91	
Final Action Effective	07/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes Mravcak, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3660

RIN: 3067–AB52

3472. GREAT LAKES PLANNING ASSISTANCE

Significance: Agency Priority

Legal Authority: PL 100-707, Title II

CFR Citation: 44 CFR 207

Legal Deadline: Final, Statutory, May 23, 1989.

Abstract: This interim rule implements Title II of PL 100-707, the Great Lakes Planning Assistance Act. The rule provides requirements and establishes general procedures for administration of one-time grants to Great Lakes States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/21/89	54 FR 16108
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Karen Helbrecht, Mitigation Assistance Programs Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3358

RIN: 3067–AB56

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3473. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

CFR Citation: 44 CFR 61

Completed:

Reason	Date	FR Cite
Canceled - will implement without rulemaking	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis V. Reilly 202 646-2782

RIN: 3067–AA98

3474. NATIONAL FLOOD INSURANCE PROGRAM ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES

CFR Citation: 44 CFR 59; 44 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	09/29/89	54 FR 40278
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Michael F. Robinson 202 646-2716

RIN: 3067–AB25

3475. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

CFR Citation: 44 CFR 59; 44 CFR 65; 44 CFR 72

Completed:

Reason	Date	FR Cite
Final Action	08/15/89	54 FR 33541
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles M. Plaxico 202 646-3422

RIN: 3067–AB32

3476. GRADUATED MOBILIZATION RESPONSE

Significance: Regulatory Program

CFR Citation: 44 CFR 334

Completed:

Reason	Date	FR Cite
Final Action	01/19/90	55 FR 1820
Final Action Effective	01/19/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley 202 646-3003

RIN: 3067–AB35

3477. DISASTER ASSISTANCE

Significance: Regulatory Program

CFR Citation: 44 CFR 206

Completed:

Reason	Date	FR Cite
Final Action	01/23/90	55 FR 2284
Final Action Effective	02/23/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Gregg Chappell 202 646-3615

RIN: 3067–AB37

3478. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) CRITERIA FOR EVALUATING COASTAL FLOOD CONTROL STRUCTURES AND OTHER NFIP CHANGES

CFR Citation: 44 CFR 59; 44 CFR 65

Completed:

Reason	Date	FR Cite
Canceled - rulemaking may proceed after further study	02/23/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067–AB44

[FR Doc. 90-5948 Filed 04-20-90; 8:45 am]

BILLING CODE 6718-01-T

Federal Register

Monday
April 23, 1990

Part XXV

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the 6-month period from April 1990 to October 1990. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, DC 20427, (202) 653-5305.

Dated: February 26, 1990.

Robert P. Baker,

Acting Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Final Rule Stage

3479. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR 1404. The Service has completed its initial draft and is presently analyzing comments received. A final rule will be published soon.

Timetable:

Action	Date	FR Cite
NPRM	04/20/88	53 FR 12952
NPRM Comment Period End	06/30/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, 202 653-5305

RIN: 3076–AA01

[FR Doc. 90-5949 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XXVI

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, 201, 301, 302, 303, and 304

48 CFR Chs. 1 and 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1989. This agenda was developed under the guidelines in OMB Bulletin 90-03, dated December 1, 1989. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch, (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291 "Federal Regulation."

Dated: February 26, 1990.

Richard G. Austin,

Acting Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3480	Nondiscrimination on the Basis of Race, Color, National Origin, and, Where Applicable, Sex	3090-AC49
3481	Federal Property Management Regulations; Quality Workplace Environment	3090-AC74
3482	Governmentwide Real Property Asset Management	3090-AD43

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3483	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3484	General Services Administration Acquisition Regulation (GSAR), EPA Clause for Federal Supply Service, (GSAR Case No. 5-285)	3090-AD94
3485	Federal Travel Regulation (FTR) Amendment (Unassigned), Permanent Codification of Temporary Regulations	3090-AD47
3486	Submission of Rated on-Board Bills of Lading for Ocean Shipments	3090-AD89

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3487	General Services Administration Acquisition Regulation (GSAR) Bonds, Proposed rule, GSAR Notice No. 5-244	3090-AD67
3488	General Services Administration Acquisition Regulation, Price Adjustment Clause (GSAR Notice No. 5-129)	3090-AD91
3489	General Services Administration Acquisition Regulation (GSAR), NIB/NISH Purchasing Procedures (GSAR Case No. 5-64/190)	3090-AD92
3490	General Services Administration Acquisition Regulation, Acquisition Circular Ac-89-3, Deviation From Trade Agreements Act (5-273)	3090-AD95
3491	General Services Administration Acquisition Regulation Acquisition Circular, AC-89-4, Revision of Appraisal Requirements Related to Acquisition of Leasehold Interests in Real Property	3090-AD99
3492	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3493	Appraisal of Federal Surplus Real Property	3090-AD96
3494	Standard Forms for Reporting Unneeded Federal Real Property	3090-AD97
3495	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3496	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3497	Negotiated Disposal of Personal Property	3090-AD29
3498	Submission of Paid Freight Bills/Invoices, CBL's, GTR's Passenger Coupons, and Supporting Documentation Covering Transportation Services Under Cost-Reimbursement Contracts	3090-AD35
3499	FPMR Temp. Reg. A-34, Supp. 1 Limiting Travel Advances to Manage Cash More Effectively	3090-AD48
3500	Federal Travel Regulation (FTR) Amendment (Unassigned) Worldwide "Lodgings-plus" Per Diem Computation Systems	3090-AD52
3501	Federal Travel Regulation (FTR) Amendment (Unassigned), Congressional Reporting Requirement	3090-AD53
3502	Submission of Transportation Vouchers	3090-AD54

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3503	Federal Travel Regulation (FTR) Amendment (Unassigned), "Last Move Home" for Senior Executive Service (SES) Career Appointees upon Separation from Federal Service for Retirement	3090-AD76
3504	Federal Travel Regulation (FTR) Temp. Reg. 1, Use of Travel Agents and Travel Management Centers (TMC's) by Federal Executive Agencies	3090-AD83
3505	FPMR Temp. Reg. A-32, Supp. 2, First Duty Station Allowances for Relocated Presidential Transition Team Personnel Subsequently Appointed to Government Service	3090-AD85
3506	FPMR Temp. Reg. A-34, Supp. 2, Limiting Travel Advances to Manage Cash More Effectively	3090-AD86
3507	Federal Travel Regulation (FTR) Amendment (Unassigned), Mileage Allowance	3090-AD87
3508	Federal Travel Regulation (FTR) Amendment (Unassigned), Relocation Income Tax (RIT) Allowance Calculating Procedures Covering States that Do Not Allow Relocation Expense Deductions	3090-AD88
3509	Establishment of Policies and Procedures for Federal Agencies' Management of Electronic Recordkeeping, Project 86.83A	3090-AC54
3510	Implementation of Title VIII, Paperwork Reduction Reauthorization Act of 1986, P.L. 99-500 Regarding Automatic Data Processing Equipment	3090-AD03
3511	FIRMR Improvement Project	3090-AD04
3512	Update Regulations Regarding FTS 2000 Usage (FIRMR Interim Rule 1)	3090-AD20
3513	Implement Legislation to Accommodate the Hearing Impaired	3090-AD36
3514	Revisions of FIRMR Policies to Simplify the Procurement Process	3090-AD38
3515	Federal Property Management Regulation Part 101-17, Assignment and Utilization of Space	3090-AD42

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3516	General Services Administration Acquisition Regulation (GSAR); Authorizing Payment by Credit Card Under GSA Schedule Contracts, GSAR Notice No. 5-272	3090-AD61
3517	General Services Administration Acquisition Regulation (GSAR); Procurement Integrity, AC-89-2 (5-276)	3090-AD69
3518	General Services Administration Acquisition Regulation (GSAR); Congressional Notification of Contract Awards, CHGE 63, (5-184)	3090-AD70
3519	Specifications, Standards, Purchase Descriptions and Acquisition of Commercial Products, GSAR Reissuance and Revision (5-230)	3090-AD74
3520	General Services Administration Acquisition Regulation, Implement Federal Acquisition Circular 84-49 (Change 2) 50275	3090-AD93
3521	General Services Administration Acquisition Regulation Acquisition Circular, AC-89-5, Trade Agreements Act (5-291)	3090-AD98
3522	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3523	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3524	Outline for Explanatory Statements for Negotiated Sales	3090-AD32
3525	Temporary Modification of Procedures for Making Federal Real Property Available to the Homeless	3090-AD55
3526	Nonfederal Interim Use of Real Property	3090-AD58
3527	Federal Travel Regulation (FTR), Amendment 6, CONUS per Diem Allowances	3090-AD44
3528	FPMR Temp. Reg. A-33, Supp.1 Federal and State Tax Tables for Calculating 1989 Relocation Income Tax Allowance Payments	3090-AD45
3529	Federal Travel Regulation (FTR), Amendment 3, Premium-Class Air Accommodations	3090-AD46
3530	Federal Travel Regulation (FTR) Amendment 1, Mileage Allowance	3090-AD49
3531	FPMR Temp. Reg. A-32, Supplement 1 Allowances for Presidential Transition Team Personnel Appointed to Government Service	3090-AD50
3532	FPMR Amendment G-92, Change to Subchapter G Transportation and Motor Vehicles	3090-AD51
3533	Federal Travel Regulation (FTR) Amendment 2, Residence Transactions	3090-AD57
3534	Federal Travel Regulation (FTR), Interim Rule "Last Move Home" for Senior Executive Service (SES) Career Appointees upon Separation from Federal Service for Retirement	3090-AD77
3535	FPMR Temp. Reg. G-52, Supp.1, Use of Carrier Contractor for Express Small Package Transportation	3090-AD78
3536	Federal Travel Regulation (FTR) Amendment 4, Increase in Maximum Dollar Limitations for Residence Transaction Expenses	3090-AD79
3537	Federal Travel Regulation (FTR) Amendment 5, Federal and State Tax Tables for Calculating 1990 Relocation Income Tax (RIT) Allowance Payments	3090-AD80
3538	Federal Travel Regulation (FTR) Amendment 7, Provision for Higher Actual Subsistence Expense Ceiling in Presidentially Declared Disaster Areas	3090-AD81
3539	Federal Travel Regulation (FTR), Interim Rule, Acceptance of Travel, Subsistence, and Related Expenses from Non-Federal Sources	3090-AD82

GSA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3540	Federal Travel Regulation (FTR) Temp. Reg. 3, Travel and Transportation Expense Payment System Using Contractor-Issued Charge Cards, Centrally Billed Accounts, and Travelers Checks	3090-AD84
3541	Update of Governmentwide Telecommunications Policies and Regulations	3090-AB08
3542	Restructuring and Simplification of Federal Information Resources Management Standards	3090-AD21
3543	Information Resources Management Reviews Codification Amendment for FIRMR Temporary Regulation 10	3090-AD22

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

OFFICE OF ADMINISTRATION

3480. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND, WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 566-1368

RIN: 3090–AC49

PUBLIC BUILDINGS SERVICE

3481. FEDERAL PROPERTY MANAGEMENT REGULATIONS; QUALITY WORKPLACE ENVIRONMENT

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reduction and utilization improvement initiatives mandated in Executive Order 12411--Government Work Space Management Reform--and FPMR Temporary Regulation D-73-- Quality Workplace Environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Robert E. Ward, Director, Real Estate, General Services Administration, Office of Real Property Development (PQ), Public Buildings Service, Washington, DC 20405, 202 566-1025

RIN: 3090–AC74

3482. GOVERNMENTWIDE REAL PROPERTY ASSET MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 16; 41 CFR 17; 41 CFR 47

Legal Deadline: None

Abstract: This regulation is being issued for the purpose of requiring Executive agencies to institute policies and procedures to preserve and protect Federal real property assets. This regulation will not produce a major impact on the economy, and its potential benefits outweigh potential costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: James M. Cayce, Director, Governmentwide Policy Division, General Services Administration, Ofice of Governmentwide real Property Relations (PGG), Washington, DC 20405, 202 566-0507

RIN: 3090–AD43

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

OFFICE OF ACQUISITION POLICY

3483. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, **202 523-3822**

RIN: 3090–AC61

3484. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR), EPA CLAUSE FOR FEDERAL SUPPLY SERVICE, (GSAR CASE NO. 5-285)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 516; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the GSAR would provide a formula for adjusting the contract price based upon the percentage change in the Producer Price index for the product code being acquired by the Government. The clause will be used in certain multi-year Federal Supply Service contracts to protect both contractors and the Government from vagaries in the market place.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisiton Policy, 18th & F Streets, NW., Washington, DC 20405, **202 523-3822**

RIN: 3090–AD94

FEDERAL SUPPLY SERVICE

3485. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), PERMANENT CODIFICATION OF TEMPORARY REGULATIONS

Legal Authority: 40 USC 486(c); 5 USC 5701 to 5709; EO 11609, July 22, 1971; 5 USC 5721 to 5734; 20 USC 905(a)

CFR Citation: 41 CFR 301-2; 41 CFR 301-3; 41 CFR 301-10; 41 CFR 301-15; 41 CFR 302-1

Legal Deadline: None

Abstract: This amendment incorporates in the Federal Travel Regulation (FTR) those provisions formerly contained in FTR Temporary Regulations 1, 2, and 3 (54 FR 20355 through 20363, May 10, 1989); FPMR Temporary Regulation A-32 (54 FR 10543, March 14, 1989); FPMR Temporary Regulation A-34 (54 FR 14652, April 12, 1989); and the Interim Rule published in 54 FR 29716, July 14, 1989. No economic impact will result from this action.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, **703 557-1253**

RIN: 3090–AD47

3486. ● SUBMISSION OF RATED ON-BOARD BILLS OF LADING FOR OCEAN SHIPMENTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule proposes to amend the Federal Property Management Regulations by requiring carriers/forwarders to submit a copy of the rated on-board vessel ocean bill of lading when billing for an ocean shipment to be paid by the U.S. Government.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, and Policy Branch, General Services Administration, 18th and F Streets, nw., Washington, DC 20405, **202 786-3014**

RIN: 3090–AD89

GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

OFFICE OF ACQUISITION POLICY

3487. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) BONDS, PROPOSED RULE, GSAR NOTICE NO. 5-244

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 528; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: This notice invites comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would revise section 528.101-4 to clarify the procedure for dealing with noncompliance with bid guarantee requirements in negotiated acquisitions; revise section 528.103-2 to delete percentage parameters for establishing the penal amount of performance bond from paragraph (c) and thereby permit the contracting officer to establish the penal amount on a case-by-case basis and to amend paragraph (d) to modify the prescriptive language for use of the clause at 552.228-72, Performance Bond, to reflect the need to modify the clause when it is used in solicitations that do not contain options to extend the period of performance; to modify clause 552.228-73 and add section 528.106-1 to provide for use of the GSA Form 3604, Performance Bond for Other Than Construction Contracts, instead of the Standard Form 25.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26807
NPRM Comment Period End	07/26/89	54 FR 26807
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD67

3488. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, PRICE ADJUSTMENT CLAUSE (GSAR NOTICE NO. 5-129)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 522; 48 CFR 552

Legal Deadline: None

Abstract: This notice invites comments on a proposed change to the GSAR that would revise section 522.1006 to prescribe a price adjustment clause for use in building service contracts that do not exceed $100,000, and section 552.222-43 to provide a price adjustment clause for building service contracts not exceeding $100,000 which may be used as an alternative to the FAR clause at 52.222-43, Fair Labor Standards Act and Service Contract Act-- Price Adjustment (Multiple Year and Option Contracts).

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 445
NPRM Comment Period End	02/05/90	55 FR 445
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD91

3489. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR), NIB/NISH PURCHASING PROCEDURES (GSAR CASE NO. 5-64/190)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 508

Legal Deadline: None

Abstract: This proposed change to the GSAR will establish uniform procedures within GSA for purchasing from the National Industries for the Blind (NIB) or the National Industries for the Severely Handicapped (NISH) workshops. The proposed change also will establish a pricing for commodities and services which have an annual value of less than $50,000.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD92

3490. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, ACQUISITION CIRCULAR AC-89-3, DEVIATION FROM TRADE AGREEMENTS ACT (5-273)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation was temporarily amended by revising section 525.502 to authorize GSA contracting activities to deviate from FAR clause 52.225-9. The deviation authorizes contracting officers to modify paragraphs (b) and (c) of the clause in order to delete the requirement to insert the Trade Agreements Act threshold in paragraph (b) and require the policies and procedures at FAR 25.402(a)(1) be used to evaluate offers in procurements subject to the Trade Agreements Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/15/89	54 FR 33554
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

GSA

Final Rule Stage

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD95

3491. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION ACQUISITION CIRCULAR, AC-89-4, REVISION OF APPRAISAL REQUIREMENTS RELATED TO ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None

Abstract: The General Service Administration Acquisition Regulation was temporarily amended to revise sections 570.208-3 and 570.501 to implement, in part, recommendations of a Public Buildings Service Task Force which recently reviewed the requirements for obtaining appraisals of the fair rental value for acquisitions of leasehold interests in real property.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/01/89	54 FR 49090
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD99

OFFICE OF ADMINISTRATION

3492. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited law. This statute prohibits discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	34 FR 11750
NPRM Comment Period End	07/20/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Rulemaking on March 22, 1989. Comments have been analyzed and changes made in the regulation for those comments which were adopted.

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 566-1368

RIN: 3090–AC48

FEDERAL PROPERTY RESOURCES SERVICE

3493. ● APPRAISAL OF FEDERAL SURPLUS REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.303-4

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations concerning circumstances where an appraisal of the fair market value of Federal surplus real property need not be obtained prior to disposal of the property.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 535-7052

RIN: 3090–AD96

3494. ● STANDARD FORMS FOR REPORTING UNNEEDED FEDERAL REAL PROPERTY

Legal Authority: 40 USC 468(c)

CFR Citation: 41 CFR 101-47.4900

Legal Deadline: None

Abstract: The General Service Administration (GSA) is amending its regulations concerning the location of the source of supply from which Federal agencies may obtain standard forms for reporting unneeded Federal real property to GSA for further Federal utilization or disposal of surplus property. Agencies will be able to obtain supplies of Standard Form 118, Report of Excess Real Property, and its related schedules, from the administrative office of the GSA region in which reportable property is located.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division, General Services Administration, 18th & F Street, NW., Washington, DC 20405, 202 535-7052

RIN: 3090–AD97

FEDERAL SUPPLY SERVICE

3495. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None

Abstract: This rule would emphasize that all forfeited distilled spirits, wine,

or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA24

3496. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42 to 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA42

3497. NEGOTIATED DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(e)

CFR Citation: 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46

Legal Deadline: None

Abstract: This regulation will implement the personal property sales provisions and reporting requirements of the Federal Property Management Improvement Act of 1988. There should be no significant costs to the public as a result of this rule. The rule will significantly reduce time and workload in preparing reports to Congress and improve the efficiency and effectiveness of personal property sales by expanding on negotiated sales procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley M. Duda, Director, Property Management Division (FBP), General Services Administration, Washington, DC 20406, 703 557-1240

RIN: 3090–AD29

3498. SUBMISSION OF PAID FREIGHT BILLS/INVOICES, CBL'S, GTR'S PASSENGER COUPONS, AND SUPPORTING DOCUMENTATION COVERING TRANSPORTATION SERVICES UNDER COST-REIMBURSEMENT CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: The provisions of this temporary regulation will be published as a final rule prior to the expiration date.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, & Review Branch, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, 202 786-3014

RIN: 3090–AD35

3499. FPMR TEMP. REG. A-34, SUPP. 1 LIMITING TRAVEL ADVANCES TO MANAGE CASH MORE EFFECTIVELY

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: This supplement extends the expiration date of FPMR Temp, Reg. A-34 to June 30, 1990. This extension will keep FPMR Temp. Reg. A-34 in effect while GSA proceeds to permanently codify its provisions. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD48

3500. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED) WORLDWIDE "LODGINGS-PLUS" PER DIEM COMPUTATION SYSTEMS

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-7

Legal Deadline: None

Abstract: This amendment establishes a worldwide lodging-plus computation method based on the actual cost of lodging not to exceed a maximum daily amount plus a fixed allowance for meals and incidental expenses. The economic impact of this regulation to the Government has not been calculated to date.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Regulations Branch, General Services Administration, Travel Management

Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD52

3501. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), CONGRESSIONAL REPORTING REQUIREMENT

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-15

Legal Deadline: None

Abstract: This rule prescribes requirements and procedures for the reporting of travel and relocation cost data by selected Federal agencies for the fiscal year 1988, 1989, and 1991. The Federal Civilian Employee and Contractor Travel Expenses Act of 1985, January 2, 1986, requires the Administrator of General Services to submit periodic analyses of agency payments for employee travel and relocation to the Director of the Office of Management and Budget (OMB). The analyses are to be based on a sampling survey of agencies each of which spent more than $5 million on employee travel and relocation during the previous fiscal year. The law further requires the selected agencies to provide the information necessary for preparing the analyses in a format prescribed by the Administrator and approval by the Director of OMB. This rule establishes a travel survey questionnaire as the format for reporting the required travel and relocation cost data. The economic impact of this rule has not been estimated to date.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Chief, Systems Development Branch, General Services Administration, Travel Management Division, Systems Development Branch (FBTS), Washington, DC 20406, 703 557-1253

RIN: 3090–AD53

3502. SUBMISSION OF TRANSPORTATION VOUCHERS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This regulation is being amended to eliminate agency submissions of travel vouchers containing reimbursable transportation charges purchased with contractor-issued charge cards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, & Review Branch, General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 786-3014

RIN: 3090–AD54

3503. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), "LAST MOVE HOME" FOR SENIOR EXECUTIVE SERVICE (SES) CAREER APPOINTEES UPON SEPARATION FROM FEDERAL SERVICE FOR RETIREMENT

Significance: Agency Priority

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 302-1

Legal Deadline: None

Abstract: This amendment implements legislation authorizing limited relocation allowances for a "last move home" under certain specified conditions for eligible Senior Executive Service (SES) career appointees to the place where they will reside upon separation for retirement. The estimated economic impact for all Executive agencies is $1.6 million annually.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD76

3504. ● FEDERAL TRAVEL REGULATION (FTR) TEMP. REG. 1, USE OF TRAVEL AGENTS AND TRAVEL MANAGEMENT CENTERS (TMC'S) BY FEDERAL EXECUTIVE AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR Chs. 301 to 304

Legal Deadline: None

Abstract: This final rule extends the expiration date of FTR Temp. Reg. 1, "Use of Travel Agents and Travel Management Centers (TMC's) by Federal Executive Agencies" to June 30, 1990. This extension will keep FTR Temp. Reg. 1 in effect while GSA proceeds to permanently codify its provisions.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD83

3505. ● FPMR TEMP. REG. A-32, SUPP. 2, FIRST DUTY STATION ALLOWANCES FOR RELOCATED PRESIDENTIAL TRANSITION TEAM PERSONNEL SUBSEQUENTLY APPOINTED TO GOVERNMENT SERVICE

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: This supplement removes FPMR Temporary Regulation A-32 from the appendix at the end of Subchapter A to title 41 of the Code of Federal Regulations. The provisions of this regulation are made permanent and are incorporated in 41 CFR Part 302-1. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD85

3506. ● FPMR TEMP. REG. A-34, SUPP. 2, LIMITING TRAVEL ADVANCES TO MANAGE CASH MORE EFFECTIVELY

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: This supplement removes FPMR Temporary Regulation A-34 from the appendix at the end of Subchapter A to title 41 of the Code of Federal Regulations. The provisions of this regulation are made permanent and are incorporated in 41 CFR Part 301-10. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD86

3507. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), MILEAGE ALLOWANCE

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (38 FR 13747)

CFR Citation: 41 CFR 301-4

Legal Deadline: None

Abstract: This amendment increases the mileage reimbursement rate from 24 cents to 25 cents for advantageous use of a privately owned automobile on official business. The economic impact of this amendment has not been determined to date.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD87

3508. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), RELOCATION INCOME TAX (RIT) ALLOWANCE CALCULATING PROCEDURES COVERING STATES THAT DO NOT ALLOW RELOCATION EXPENSE DEDUCTIONS

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747); EO 12466, February 27, 1984 (49 FR 7349)

CFR Citation: 41 CFR 302-11

Legal Deadline: None

Abstract: This amendment implements a new formula and procedures to be used in calculating relocation income tax (RIT) allowance payments for employees who transfer to States that do not allow state income tax deductions for relocation expenses.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD88

INFORMATION RESOURCES MANAGEMENT SERVICE

3509. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Legal Deadline: None

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish governmentwide policies and procedures for the management of electronic recordkeeping. Specifically responsibilities for the creation, maintenance, use, and disposition of electronic records will be prescribed.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48947
NPRM Comment Period End	02/13/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: R. Stewart Randall, Management Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AC54

3510. IMPLEMENTATION OF TITLE VIII, PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1986, P.L. 99-500 REGARDING AUTOMATIC DATA PROCESSING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Legal Deadline: None

Abstract: This regulation implements certain selected portions of the Paperwork Reduction Reauthorization Act of 1986. Among the other changes, it clarifies the applicability of the FIRMR to the management acquisition, and use of various information resources by Federal agencies. The

amendment prescribes FIRMR policies and procedures for use in determining whether any particular procurement must be conducted under GSA's exclusive procurement authority. It also streamlines the Delegations Program by establishing uniform procedures, uniform blanket delegations of procurement authority, Agency Procurement Requests for all ADP and telecommunications resources.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30706
NPRM Comment Period End	09/23/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulation Branch, General Services Administration, IRMS/KMPR, Washington, DC 20405, 202 566-0194

RIN: 3090–AD03

3511. FIRMR IMPROVEMENT PROJECT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: In response to recommendations by users of the FIRMR to revise the regulation to make it more readable and useful, GSA plans to restructure the FIRMR during the next few years. This restructuring will include: the separation of policies and procedures, the separation of contracting from management and use provisions, the reorganization of FIRMR contracting provisions for consistency with the Federal Acquisition Regulations, and the reorganization of the FIRMR's management and use provisions into a life cycle format. As the final draft of each subchapter is completed, GSA will seek public comment on the subchapter through a notice of proposed rulemaking. Subchapter D, which deals with acquisition, will be completed first and, if possible, issued as a final rule before publication of the entire FIRMR. An advanced notice of proposed rulemaking describing the project was published in the Federal Register in January 1988. A notice of proposed rulemaking for Subchapter D was published in the Federal Register in February 1989 and a notice of proposed rulemaking for Subchapter C which deals with management and use of Federal information processing resources was published in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/11/88	53 FR 620
ANPRM Comment Period End	03/11/88	53 FR 620
NPRM	02/06/89	54 FR 5904
NPRM Comment Period End	04/06/89	54 FR 5904
NPRM	10/12/89	54 FR 41850
NPRM Public Comment Period End	12/11/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: Federal Register in October 1989. The next planned action is a notice of proposed rulemaking for Subchapters A & B.

Agency Contact: Margaret Truntich, Chief, Regulation Branch, General Services Administration, IRMS/KMPR, Washington, DC 20405, 202 535-7462

RIN: 3090–AD04

3512. UPDATE REGULATIONS REGARDING FTS 2000 USAGE (FIRMR INTERIM RULE 1)

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-41

Legal Deadline: None

Abstract: FIRMR Interim Rule 1, regarding the mandatory use of the FTS 2000 network, was published on July 29, 1988, to meet the requirements of the Conference Report for PL 100-202. PL 101-136 was subsequently enacted on November 3, 1989, to include more specific provisions regarding use of FTS 2000. This proposed rule will update Interim Rule 1 to incorporate the provisions of PL 101-136 or any succeeding legislation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/88	53 FR 28638
Final Action	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Sts., Washington, DC 20405, 202 566-0194

RIN: 3090–AD20

3513. IMPLEMENT LEGISLATION TO ACCOMMODATE THE HEARING IMPAIRED

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-1; 41 CFR 201-6; 41 CFR 201-38

Legal Deadline: NPRM, Statutory. Final, Statutory, October 24, 1989.

Abstract: The Telecommunications Accessibility Enhancement Act of 1988 (PUB.L.100-542) directed GSA to prescribe regulations that make the Federal Telecommunications system fully accessible to hearing and speech impaired individuals. In condition with other agencies and organizations, GSA is developing an interim rule that will specify requirements for Federal agencies in providing telecommunications access to hearing and speech impaired individuals who are either employees or client of the agencies. A FIRMR Bulletin will also be issued to describe the types of telecommunication devices for the deaf (TDD's) and related services currently available.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/16/89	54 FR 42302
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Truntich, Chief, Regulation Branch, General Services Administration, Regulations Branch (KMPR), Information Resources

GSA — Final Rule Stage

Management Service, Washington, DC 20405, **202 566-0194**

RIN: 3090–AD36

3514. REVISIONS OF FIRMR POLICIES TO SIMPLIFY THE PROCUREMENT PROCESS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: This regulation revises a number of FIRMR management and acquisition policies, primarily to remove unnecessary detail and redundancy, provide consistency with the Federal Acquisition Regulations and clarify confusing provisions in the FIRMR.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5904
NPRM Comment Period End	03/24/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulations Branch, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, NW., Washington, DC 20405, **202 566-0194**

RIN: 3090–AD38

PUBLIC BUILDINGS SERVICE

3515. FEDERAL PROPERTY MANAGEMENT REGULATION PART 101-17, ASSIGNMENT AND UTILIZATION OF SPACE

Significance: Agency Priority

Legal Authority: 40 USC 481; 40 USC 601; 7 USC 1924; 40 USC 490; 40 USC 531; 42 USC 3601; 42 USC 4321; 42 USC 4201; EO 12072; EO 12411; EO 12512; PL 100-678

CFR Citation: 41 CFR 101-17

Legal Deadline: None

Abstract: A new and comprehensive permanent FPMR 101-17, Assignment and Utilization of Space, will improve the space delivery process for federal agencies by making it more efficient, more timely, and better able to deliver quality space that supports agency mission needs. The new FPMR will implement a new space assignment process that emphasizes client service; issue a new comprehensive move policy that clarifies roles and responsibilities; revise the GSA location policy to be more responsive to agency mission needs; revise the standard alterations, which agencies receive upon an initial move, to recognize modern office needs; and revise the space classification definitions to eliminate ambiguity. These changes will result in a more efficient space delivery process that will improve the overall efficiency of government operations. The assignment and utilization of federal space has been governed by a series of four temporary regulations since 1983. The current FPMR Temporary Regulation D-73 is outdated and is not comprehensive in its coverage of the process for acquisition and assignment of federal space. The new permanent FPMR will correct these problems.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50251
NPRM Comment Period End	01/04/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 651 Real Estate Operators (except Developers) and Lessors; 871 Engineering, Architectural, and Surveying Services

Agency Contact: Phil Kogan, Chief, Assignment and Utilization Policy Branch, General Services Administration, GSA (PQRP), Washington, DC 20405, **202 566-0603**

RIN: 3090–AD42

GENERAL SERVICES ADMINISTRATION (GSA) — Completed Actions

3516. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); AUTHORIZING PAYMENT BY CREDIT CARD UNDER GSA SCHEDULE CONTRACTS, GSAR NOTICE NO. 5-272

CFR Citation: 48 CFR 532; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	10/23/89	54 FR 43180
Final Action Effective	12/01/89	54 FR 43180

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AD61

3517. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); PROCUREMENT INTEGRITY, AC-89-2 (5-276)

CFR Citation: 48 CFR 503; 48 CFR 505; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	12/01/89	54 FR 51745

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AD69

3518. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); CONGRESSIONAL NOTIFICATION OF CONTRACT AWARDS, CHGE 63, (5-184)

CFR Citation: 48 CFR 505; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	03/10/89	54 FR 10149
Final Action Effective	03/27/89	54 FR 10149

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AD70

GSA

Completed Actions

3519. SPECIFICATIONS, STANDARDS, PURCHASE DESCRIPTIONS AND ACQUISITION OF COMMERCIAL PRODUCTS, GSAR REISSUANCE AND REVISION (5-230)

CFR Citation: 48 CFR 510; 48 CFR 511; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AD74

3520. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, IMPLEMENT FEDERAL ACQUISITION CIRCULAR 84-49 (CHANGE 2) 50275

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 515; 48 CFR 536; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: The General Service Administration Acquisition Regulation was amended to revise section 501.707 to add a reference in paragraph (i) to FAR 25.901(c) and (d) under the "D&F Requirement" Column of Table 501-1; to delete section 515.406-2 because the new provision at FAR 52-204-4, Contractor Establishment Code, will provide the DUNS number previously obtained through the GSAR provision prescribed in this section; to delete reference to the Standard Form 1410 and substitute a reference to Optional Form 1419 and 1419A; to delete section 552.215-75 because the new provision at FAR 52.204-4, Contractor Establishment Code, will provide the DUNS number previously obtained through the GSAR provision; and to illustrate GSA Forms 72A, 3516, 3517, and 3518 in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	12/19/89	54 FR 51885
Final Action Effective	12/26/89	54 FR 51885

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analysts, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD93

3521. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION ACQUISITION CIRCULAR, AC-89-5, TRADE AGREEMENTS ACT (5-291)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation was temporarily amended to revise section 525.402 to provide the new dollar threshold required for the applicability of the Trade Agreements Act of 1979 as authorized by the U.S. Trade Representative under Executive Order 12260.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/90	55 FR 421
Final Action	02/22/90	55 FR 6256
Final Action Effective	03/12/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD98

3522. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

CFR Citation: 41 CFR 101-3

Completed:

Reason	Date	FR Cite
Final Action	09/20/89	54 FR 38673
Final Action Effective	09/20/89	54 FR 38673

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Bobby Daniel 202 566-1426

RIN: 3090–AB31

3523. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Canceled	02/23/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gracie Jones 202 786-3007

RIN: 3090–AB69

3524. OUTLINE FOR EXPLANATORY STATEMENTS FOR NEGOTIATED SALES

CFR Citation: 41 CFR 101-47.4911

Completed:

Reason	Date	FR Cite
Final Action	08/08/89	54 FR 32445
Final Action Effective	08/08/89	54 FR 32445

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax 202 535-7052

RIN: 3090–AD32

3525. TEMPORARY MODIFICATION OF PROCEDURES FOR MAKING FEDERAL REAL PROPERTY AVAILABLE TO THE HOMELESS

CFR Citation: 41 CFR 101-47

Completed:

Reason	Date	FR Cite
Final Action	10/05/89	54 FR 41099
Final Action Effective	10/05/89	54 FR 41099

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marjorie L. Lomax 202 535-7052

RIN: 3090–AD55

3526. NONFEDERAL INTERIM USE OF REAL PROPERTY

CFR Citation: 41 CFR 101-47.312

Completed:

Reason	Date	FR Cite
Final Action	10/06/89	54 FR 41244
Final Action Effective	10/06/89	54 FR 41244

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax 202 535-7052

RIN: 3090–AD58

3527. FEDERAL TRAVEL REGULATION (FTR), AMENDMENT 6, CONUS PER DIEM ALLOWANCES

CFR Citation: 41 CFR 301-7

Completed:

Reason	Date	FR Cite
Final Action	01/19/90	55 FR 1946
Final Action Effective	01/21/90	55 FR 1946

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD44

3528. FPMR TEMP. REG. A-33, SUPP.1 FEDERAL AND STATE TAX TABLES FOR CALCULATING 1989 RELOCATION INCOME TAX ALLOWANCE PAYMENTS

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	10/06/89	54 FR 41244
Final Action Effective	10/06/89	54 FR 41244

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD45

3529. FEDERAL TRAVEL REGULATION (FTR), AMENDMENT 3, PREMIUM-CLASS AIR ACCOMMODATIONS

CFR Citation: 41 CFR 301-1; 41 CFR 301-3; 41 CFR 301-4; 41 CFR 301-7

Completed:

Reason	Date	FR Cite
Final Action	11/15/89	54 FR 37523
Final Action Effective	11/15/89	54 FR 47523

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD46

3530. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 1, MILEAGE ALLOWANCE

CFR Citation: 41 CFR 301-4

Completed:

Reason	Date	FR Cite
Final Action	09/13/89	54 FR 37810
Final Action Effective	09/17/89	54 FR 37810

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD49

3531. FPMR TEMP. REG. A-32, SUPPLEMENT 1 ALLOWANCES FOR PRESIDENTIAL TRANSITION TEAM PERSONNEL APPOINTED TO GOVERNMENT SERVICE

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	11/15/89	54 FR 47522
Final Action Effective	11/10/89	54 FR 47522

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD50

3532. FPMR AMENDMENT G-92, CHANGE TO SUBCHAPTER G TRANSPORTATION AND MOTOR VEHICLES

CFR Citation: 41 CFR 101-40

Completed:

Reason	Date	FR Cite
Final Action	11/02/89	54 FR 46244
Final Action Effective	11/02/89	54 FR 46244

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD51

3533. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 2, RESIDENCE TRANSACTIONS

Significance: Agency Priority

CFR Citation: 41 CFR 302-6; 41 CFR 302-12

Completed:

Reason	Date	FR Cite
Final Action	09/13/89	54 FR 37811
Final Action Effective	02/19/88	54 FR 37811

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker 703 557-1253

RIN: 3090–AD57

3534. ● FEDERAL TRAVEL REGULATION (FTR), INTERIM RULE "LAST MOVE HOME" FOR SENIOR EXECUTIVE SERVICE (SES) CAREER APPOINTEES UPON SEPARATION FROM FEDERAL SERVICE FOR RETIREMENT

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (38 FR 13747)

CFR Citation: 41 CFR 302-1

Legal Deadline: None

Abstract: This interim rule implements legislation authorizing limited relocation allowances for a "last move home" under certain conditions for eligible Senior Executive Service (SES) career

appointees to the place where they will reside upon separation for retirement.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/22/88	54 FR 29716
Final Action	07/14/89	54 FR 29716

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD77

3535. ● FPMR TEMP. REG. G-52, SUPP.1, USE OF CARRIER CONTRACTOR FOR EXPRESS SMALL PACKAGE TRANSPORTATION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40

Legal Deadline: None

Abstract: This supplement extends the expiration date of FPMR Temporary Regulation G-52 to September 30, 1990. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/89	54 FR 42803
Final Action	10/18/89	54 FR 42803

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Boyce Steiner, Chief, Freight Management Branch, General Services Administration, Transportation Management Division, Freight Management Branch (FBXF), Washington, DC 20406, 703 557-7978

RIN: 3090–AD78

3536. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 4, INCREASE IN MAXIMUM DOLLAR LIMITATIONS FOR RESIDENCE TRANSACTION EXPENSES

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 302-6

Legal Deadline: None

Abstract: This amendment increases the maximum dollar limitations on reimbursement for allowable real estate sale and purchase expenses incident to a change of official station. The estimated economic impact for all Executive agencies is $16 million annually.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/89	54 FR 51300
Final Action	12/14/89	54 FR 51300

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD79

3537. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 5, FEDERAL AND STATE TAX TABLES FOR CALCULATING 1990 RELOCATION INCOME TAX (RIT) ALLOWANCE PAYMENTS

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971 (36 FR 13747); EO 12466, February 27, 1984 (49 FR 7349)

CFR Citation: 41 CFR 302-11

Legal Deadline: None

Abstract: This final rule implements the Federal and State tax tables to be used in conjunction with part 302-11 of the FTR for calculating 1990 relocation income tax (RIT) allowance payments.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/90	55 FR 1674
Final Action	01/18/90	55 FR 1674

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD80

3538. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 7, PROVISION FOR HIGHER ACTUAL SUBSISTENCE EXPENSE CEILING IN PRESIDENTIALLY DECLARED DISASTER AREAS

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-8

Legal Deadline: None

Abstract: This amendment to the Federal Travel Regulation provides for the establishment of higher maximum daily rates for the reimbursement of actual subsistence expenses of Federal Employees on official travel to Presidentially declared disaster areas. Since the need to invoke the provisions of this amendment is expected to be a rare occurrence, the potential cost impact is minimal.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/22/89	55 FR 2379
Final Action	01/24/90	55 FR 2379

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD81

3539. ● FEDERAL TRAVEL REGULATION (FTR), INTERIM RULE, ACCEPTANCE OF TRAVEL, SUBSISTENCE, AND RELATED EXPENSES FROM NON-FEDERAL SOURCES

Legal Authority: 5 USC 5701 to 5709; 31 USC 1352; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-1

Legal Deadline: None

Abstract: This interim rule directs agencies and, where appropriate, employees to continue using regulations and procedures in effect prior to November 30, 1989, in accepting travel, subsistence, and related expenses from non-Federal sources, until the General Services Administration issues regulations further implementing 31 U.S.C. 1352, which became law on November 30, 1989. No economic

impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	11/30/89	54 FR 53321
Final Action Effective	12/28/89	54 FR 53321

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD82

3540. ● FEDERAL TRAVEL REGULATION (FTR) TEMP. REG. 3, TRAVEL AND TRANSPORTATION EXPENSE PAYMENT SYSTEM USING CONTRACTOR-ISSUED CHARGE CARDS, CENTRALLY BILLED ACCOUNTS, AND TRAVELERS CHECKS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR Chs. 301 to 304

Legal Deadline: None

Abstract: This final rule extends the expiration date of FTR Temp. Reg. 3, "Travel and Transportation Expenses Payment System Using Contractor-Issued Charge Cards, Centrally Billed Accounts, and Travelers Checks," to November 29, 1990. This extension will keep FTR Temp. Reg. 3 in effect while GSA proceeds to permanently codify its provisions.

Timetable:

Action	Date	FR Cite
Final Action	11/24/89	54 FR 48611
Final Action Effective	11/30/89	54 FR 48611

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD84

3541. UPDATE OF GOVERNMENTWIDE TELECOMMUNICATIONS POLICIES AND REGULATIONS

Significance: Regulatory Program

CFR Citation: 41 CFR 201-21; 41 CFR 201-23; 41 CFR 201-38; 41 CFR 201-39; 41 CFR 201-41

Completed:

Reason	Date	FR Cite
Incorporated into RINs 3090-AD03 and 3090-AD04	12/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Truntich 202 566-0194

RIN: 3090–AB08

3542. RESTRUCTURING AND SIMPLIFICATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT STANDARDS

CFR Citation: 41 CFR 201-8; 41 CFR 201-13; 41 CFR 201-39

Completed:

Reason	Date	FR Cite
Final Action	09/11/89	54 FR 37462
Final Action Effective	09/11/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Truntich 202 566-0194

RIN: 3090–AD21

3543. INFORMATION RESOURCES MANAGEMENT REVIEWS CODIFICATION AMENDMENT FOR FIRMR TEMPORARY REGULATION 10

Significance: Regulatory Program

CFR Citation: 41 CFR 201-19

Completed:

Reason	Date	FR Cite
Final Action	08/28/89	54 FR 35496
Final Action Effective	08/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stewart Randall 202 566-0194

RIN: 3090–AD22

[FR Doc. 90-5950 Filed 04-20-90; 8:45 am]

BILLING CODE 6820-81-T

Federal Register

Monday
April 23, 1990

Part XXVII

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from April 1990 through March 1991. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Management Analysis, (202) 653-8892.

Dated: February 20, 1990.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Final Rule Stage

3544. PART 1209 - PRACTICES AND PROCEDURES FOR APPEALS OF PERSONNEL ACTIONS ALLEGEDLY BASED ON WHISTLEBLOWING AND REQUESTS FOR STAYS OF PERSONNEL ACTIONS IN SUCH CASES

Significance: Agency Priority

Legal Authority: 5 USC 1204; 5 USC 1221; 5 USC 7701

CFR Citation: 5 CFR 1209.1 to 1209.19

Legal Deadline: None

Abstract: The Board is amending its regulations by adding a new part to implement the Whistleblower Protection Act of 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/06/89	54 FR 28654
Interim final rule comment period end	09/05/89	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Patricia Price, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, 202 653-8919

RIN: 3124–AA19

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Completed Actions

3545. PART 1201 - PRACTICES AND PROCEDURES

CFR Citation: 5 CFR 1201.1 to 1201.199

Completed:

Reason	Date	FR Cite
Final Action	12/29/89	54 FR 53500
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney 202 653-8892

RIN: 3124–AA10

3546. PART 1210 - DEBT MANAGEMENT

CFR Citation: 5 CFR 1210

Completed:

Reason	Date	FR Cite
Final Action	12/08/89	54 FR 50603
Final Action Effective	12/08/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Darrell L. Netherton 202 653-5805

RIN: 3124–AA20

[FR Doc. 90-5951 Filed 04-20-90; 8:45 am]

BILLING CODE 7400-01-T

Federal Register

Monday
April 23, 1990

Part XXVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Management Operations Office (Code NA), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 90-03 "Unified Agenda of Federal Regulations for April 1990," Executive Order 12291 "Federal Regulation," and NASA Management Instruction 1410.10 "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents" require a regulatory agenda of those regulations under development and review be published in the **Federal Register** each April and October.

Dated: February 20, 1990.

John W. Gaff,

Director, Management Operations Office.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3547	Uniform Administrative Requirements for Grants and Cooperative Agreements	2700-AA95

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3548	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3549	Space Transportation System; Mementos Aboard Space Shuttle Flights	2700-AA18
3550	Personnel Security Adjudication and Procedures	2700-AA31
3551	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and (cont)	2700-AA45
3552	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3553	Extraterrestrial Exposure	2700-AA53
3554	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3555	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3556	Limited Arrest Authority and Use of Force by NASA Security Force Personnel	2700-AA80
3557	NASA Grant and Cooperative Agreement Handbook Instruction 84-6	2700-AA98
3558	Cross-Waiver of Liability	2700-AB00

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3559	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3560	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3561	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3562	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3563	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	2700-AA51
3564	Duty-Free Entry of Space Articles	2700-AA62
3565	Policy On The Protection Of Human Subjects	2700-AA76
3566	NASA FAR Supplement Directive (NFSD) 89-4	2700-AA93
3567	NASA FAR Supplement Directive (NFSD) 89-5	2700-AA94
3568	Space Transportation System Personnel Reliability Program	2700-AA99
3569	Streamlined Source Selection	2700-AB03
3570	Quality and Productivity Improvement	2700-AB04

NASA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3571	Availability of Agency Records to Members of the Public	2700-AA49
3572	Payload Specialists for Space Transportation System (STS) Missions	2700-AA52
3573	Care and Use of Animals in the Conduct of NASA Activities	2700-AA78
3574	Interim Changes to the NASA FAR Supplement on Domestic Preference	2700-AA87
3575	NASA FAR Supplement Directive (NFSD) 89-1	2700-AA90
3576	NASA FAR Supplement Directive (NFSD) 89-2	2700-AA91
3577	NASA FAR Supplement Directive (NFSD) 89-3	2700-AA92
3578	NASA Grant and Cooperative Agreement Handbook Instruction 84-5	2700-AA97
3579	Inventions and Contributions	2700-AB01
3580	NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags, and the Agency's Unified Visual Communications System	2700-AB02

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Prerule Stage

3547. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1270

Legal Deadline: None

Abstract: Common rule for grants administration replacing NASA implementation of OMB Circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 214
Begin Review	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8923

RIN: 2700–AA95

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3548. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.1

Legal Deadline: None

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2700-AA13 merged with RIN 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA14

3549. SPACE TRANSPORTATION SYSTEM; MEMENTOS ABOARD SPACE SHUTTLE FLIGHTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.6

Legal Deadline: None

Abstract: Clarifies policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wanda J. Dockery, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1923

RIN: 2700–AA18

3550. PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 et seq; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203 Subpart J

Legal Deadline: None

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome Verba, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2946**

RIN: 2700–AA31

3551. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND (CONT)

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214.1; 14 CFR 1214.2

Legal Deadline: None

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Foreign Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1911**

RIN: 2700–AA45

3552. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1); 42 USC 2473(b)(3); 42 USC 2473(b)(5); 42 USC 2473(b)(6); 42 USC 2473(b)(14)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700–AA47

3553. EXTRATERRESTRIAL EXPOSURE

Legal Authority: 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1530**

RIN: 2700–AA53

3554. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205.1

Legal Deadline: None

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Greg Hunolt, Office of Space Science and Applications, Code EC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1500**

RIN: 2700–AA54

3555. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA

NASA — Proposed Rule Stage

Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA69

3556. LIMITED ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

Legal Authority: 42 USC 2456(e); 42 USC 2456(f); EO 12356

CFR Citation: 14 CFR 1203.b

Legal Deadline: None

Abstract: NASA proposes to implement 42 USC 2456(e), (f), and EO 12356 by establishing centralized control over the exercise of arrest authority at NASA Headquarters and ensuring that NASA Security Force personnel at NASA Installations exercise such arrest authority, including the use of force to effect such an arrest in a manner consistent with both NASA's security objectives and recognized legal standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA80

3557. NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-6

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook, including revisions NASA implementation of OMB Circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8923

RIN: 2700–AA98

3558. ● CROSS-WAIVER OF L ABILITY

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1266

Legal Deadline: None

Abstract: This rule proposes to implement regulatory cross-waivers of liability for NASA Space Transportation System (STS) agreements, NASA Shuttle Launch services agreements, and NASA Expendable Launch Vehicle (ELV) agreements entered into in the future.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June W. Edwards, Assistant General Counsel, National Aeronautics and Space Administration, NASA Headquarters, Code G, Washington, DC 20546, 202 453-2456

RIN: 2700–AB00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Final Rule Stage

3559. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214.13

Legal Deadline: None

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June W. Edwards, Office of General Counsel, Code G, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2432

RIN: 2700–AA00

3560. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.8

Legal Deadline: None

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA01

3561. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1990 Rate Change	03/15/89	54 FR 10627
Final Action for CY 1991 Rate Change	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code T, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2030

RIN: 2700–AA29

3562. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: 42 USC 2000e et seq; 29 USC 701 et seq; 42 USC 6101 et seq; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA50

3563. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 1251

Legal Deadline: None

Abstract: This proposed rule amends existing section 504 regulations for federally assisted programs or activities require that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynda Sampson, Handicapped and Aged Employment Program, Manager, Code UI, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2177

RIN: 2700–AA51

3564. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 19 USC 1202 note

CFR Citation: 14 CFR 1214.15

Legal Deadline: None

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pierre M. Hartman, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2434

RIN: 2700–AA62

3565. POLICY ON THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 42 USC 2451

CFR Citation: 14 CFR 1230

Legal Deadline: None

Abstract: NASA will be one of a few Federal agencies to adopt a Model Federal Policy for the Protection of Human Subjects which was prepared by the Office of Science and Technology Policy. This NPRM will implement a Model Federal Policy for the Protection of Human subjects of research conducted, supported or regulated by NASA.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45668
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Arnauld E. Nicogossian, Life Sciences Division, Code EB, Office of Space Science and Applications, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1530

RIN: 2700–AA76

3566. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-4

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration,

NASA

Final Rule Stage

NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AA93

3567. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-5

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AA94

3568. SPACE TRANSPORTATION SYSTEM PERSONNEL RELIABILITY PROGRAM

Legal Authority: 42 USC 2473; 47 USC 721(b)

CFR Citation: 14 CFR 1214.5

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1214 by revising Subpart 1214.5. This rule establishes a program designed to ensure that personnel assigned to mission-critical positions in connection with the Space Transportation System and other critical space systems, including but not limited to the Space Station, designated Expendable Launch Vehicles, and designated payloads, meet established screening requirements.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jerry F. Moore, Office of Safety, Reliability, Maintainability and Quality Assurance, National Aeronautics and Space Administration, Code QS, NASA Headquarters, Washington, DC 20546, 202 453-1155

RIN: 2700–AA99

3569. ● STREAMLINED SOURCE SELECTION

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1870

Legal Deadline: None

Abstract: Techniques for improving the timeliness for evaluating proposals by the Source Evaluation Board Method.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AB03

3570. ● QUALITY AND PRODUCTIVITY IMPROVEMENT

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1846

Legal Deadline: None

Abstract: Solicitation requirement for quality and productivity planning as integral part of contract effort.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Chief, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AB04

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3571. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

CFR Citation: 14 CFR 1206

Completed:

Reason	Date	FR Cite
Final Action	12/01/89	54 FR 49749
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia M. Riep 202 453-2939

RIN: 2700–AA49

3572. PAYLOAD SPECIALISTS FOR SPACE TRANSPORTATION SYSTEM (STS) MISSIONS

CFR Citation: 14 CFR 1214.3

Completed:

Reason	Date	FR Cite
Final Action	11/24/89	54 FR 48586
Final Action Effective	11/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Tucker 202 453-2347

RIN: 2700–AA52

3573. CARE AND USE OF ANIMALS IN THE CONDUCT OF NASA ACTIVITIES

CFR Citation: 14 CFR 1232

Completed:

Reason	Date	FR Cite
Final Action	08/30/89	54 FR 35869
Final Action Effective	08/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thora Halstead 202 453-1527

RIN: 2700–AA78

3574. INTERIM CHANGES TO THE NASA FAR SUPPLEMENT ON DOMESTIC PREFERENCE

CFR Citation: 48 CFR 1825; 48 CFR 1852

Completed:

Reason	Date	FR Cite
Final Action	04/02/90	55 FR 12174
Final Action Effective	03/31/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. A. Greene 202 453-8923

RIN: 2700–AA87

3575. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-1

CFR Citation: 48 CFR 18

Completed:

Reason	Date	FR Cite
Final Action	09/30/89	54 FR 39359
Final Action Effective	09/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: W. A. Greene 202 453-8953

RIN: 2700–AA90

3576. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-2

CFR Citation: 48 CFR 18

Completed:

Reason	Date	FR Cite
Final Action	12/29/89	54 FR 53621
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. A. Greene 202 453-8953

RIN: 2700–AA91

3577. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-3

CFR Citation: 48 CFR 18

Completed:

Reason	Date	FR Cite
Final Action	04/02/90	55 FR 12174
Final Action Effective	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. A. Greene 202 453-8923

RIN: 2700–AA92

3578. NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-5

CFR Citation: 14 CFR 1260

Completed:

Reason	Date	FR Cite
Final Action	10/26/89	54 FR 43050
Final Action Effective	10/26/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: W. A. Greene 202 453-8953

RIN: 2700–AA97

3579. ● INVENTIONS AND CONTRIBUTIONS

Legal Authority: 42 USC 2458; 15 USC 3701(1)

CFR Citation: 14 CFR 1240

Legal Deadline: None

Abstract: Consolidates subparts 1214.1 and 1214.2 into one subpart 1214.1 in order to achieve greater clarity. This revision also changes the delegation of authority for awards up to $1000 to permit the Chairperson, Inventions and Contributions Board, to execute such awards.

Timetable:

Action	Date	FR Cite
Final Action	01/08/90	55 FR 613
Final Action Effective	01/08/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carroll C. Dicus, Jr., Chairperson, Inventions and Contributions, Code NB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2890

RIN: 2700–AB01

3580. ● NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES, AND FLAGS, AND THE AGENCY'S UNIFIED VISUAL COMMUNICATIONS SYSTEM

Legal Authority: 42 USC 2472(a); 42 USC 2473(b)(1)

CFR Citation: 14 CFR 1221.1

Legal Deadline: None

Abstract: This revision adds the restricted use of a NASA seal plaque in paragraph (a) (5) of section 1221.111.

Timetable:

Action	Date	FR Cite
Final Action	01/16/90	55 FR 1404
Final Action Effective	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Schulman, Graphics Coordinator, Public Service Division, Code LPS, National Aeronautics and Space Administration,

NASA **Completed Actions**

NASA Headquarters, Washington, DC
20546, **202 453-8315**

RIN: 2700–AB02

[FR Doc. 90-5952 Filed 04-20-90; 8:45 am]
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Monday
April 23, 1990

Part XXIX

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1989. This agenda was developed under the guidelines in OMB Bulletin No. 90-03, dated December 1, 1989. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291 "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: John A. Constance, Director, Policy and Program Analysis Division, (202) 523-3214.

Dated: February 27, 1990.

Claudine J. Weiher,

Acting Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3581	Transfer of Records to Federal Records Centers	3095-AA04
3582	Photographing and Filming the Exterior and Interior of the National Archives Building	3095-AA06
3583	Research Room Procedures	3095-AA19
3584	Restrictions on Access to Archival Records	3095-AA21
3585	Uniform Administrative Requirements for Grants and Cooperative Agreements	3095-AA23
3586	NARA Fee Schedule	3095-AA33
3587	Temporary Exhibition of Privately Owned Material in the National Archives Building	3095-AA47
3588	Agency Program Evaluations	3095-AA48

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3589	Micrographics Records Management	3095-AA22
3590	Electronic Records Management	3095-AA29
3591	National Historical Publications and Records Commission Grant Program Procedures	3095-AA43
3592	Governmentwide Requirements for Drug-Free Workplace (Grants)	3095-AA44
3593	Creation and Maintenance of Records; Adequate and Proper Documentation	3095-AA45
3594	Disposition of Federal Records	3095-AA46

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3595	NARA Standards of Conduct	3095-AA25

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Proposed Rule Stage

3581. ● TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

Legal Authority: 44 USC 2907

CFR Citation: 36 CFR 1228.152

Legal Deadline: None

Abstract: This rule will revise two aspects of transmitting records to Federal records centers. One aspect is to require agencies to attach box lists to the Standard Form 135, Records Transmittal and Receipt, when transmitting permanently scheduled, unscheduled or potentially archival records to Federal records centers. Many agencies already maintain such detailed listings for their own use in retrieving stored documents. This

information can also play a vital role in ensuring the identification and preservation of archival records in the National Archives. Inclusion of a copy of this information with the Standard Form 135 documenting the retirement of the records to the records center will increase NARA's assurance that the records will be properly preserved. The second change will restrict the transfer of permanent microfilm records to two records centers. Permanent microfilm records will only be accepted for storage at the Washington National Records Center and the National Personnel Records Center. This action is necessary to ensure proper storage of potential archival records.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alan J. Kramer, Director, Field Operations Division, National Archives and Records Administration, Washington DC 20408, 202 653-8388

RIN: 3095–AA04

3582. ● PHOTOGRAPHING AND FILMING THE EXTERIOR AND INTERIOR OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1280

Legal Deadline: None

Abstract: This change sets out NARA policy concerning commercial photographing or filming of the exterior and interior of the National Archives building and establishes procedures for requesting permission to film. The rule benefits the public by minimizing disruption to researchers and other visitors and ensuring the safety of the records in the custody of the National Archives without incurring any costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jill Brett, Public Information Officer, National Archives and Records Administration, Washington, DC 20408, 202 523-3099

RIN: 3095–AA06

3583. ● RESEARCH ROOM PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC 2101 to 2110

CFR Citation: 36 CFR 1253.4; 36 CFR 1253.6; 36 CFR 1253.7; 36 CFR 1254

Legal Deadline: None

Abstract: This rule will clarify the rules governing the use and reproduction of records in NARA research rooms and update the hours of use of NARA facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095–AA19

3584. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will amend specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment Period End	12/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095–AA21

3585. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes a common rule updating and replacing agencies' implementation of OMB Circular A-110 with a single, government-wide common rule establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to institutions of higher education, hospitals, other nonprofit organizations, and commercial or for-profit entities. This result is achieved by amending the common rule issued by the agencies on March 11, 1988, to similarly update and replace implementation of OMB Circular A-102. The provisions of the common rule are largely drawn from the existing departmental rules issued by the several agencies which in the past developed a single, comprehensive rule implementing the circulars. This proposed common rule contains fiscal and administrative requirements applicable to grantees.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA23

NARA — Proposed Rule Stage

3586. NARA FEE SCHEDULE

Legal Authority: 44 USC 2104(a); 44 USC 2116(c)

CFR Citation: 36 CFR 1258

Legal Deadline: None

Abstract: NARA will revise fees charged for reproduction of records created by other Federal agencies and transferred to the custody of the Archives of the United States, donated historical materials and records filed with the Office of the Federal Register. The fees will be changed to reflect the current costs of providing the reproduction services.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA33

3587. ● TEMPORARY EXHIBITION OF PRIVATELY OWNED MATERIAL IN THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1284

Legal Deadline: None

Abstract: NARA is proposing to publish its policy on temporary exhibition of privately owned items that are not part of a NARA exhibit. This policy is being issued because of limited display space and resources. The potential benefit to the government is to reduce costs of staff time spent preparing such items for display when they are not part of an ongoing educational program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda N. Brown, Assistant Archivist, Office of Public Programs, National Archives and Records Administration, Washington DC 20408, 202 523-3216

RIN: 3095–AA47

3588. ● AGENCY PROGRAM EVALUATIONS

Legal Authority: 44 USC 2906

CFR Citation: 36 CFR 1220.50; 36 CFR 1220.52; 36 CFR 1220.54; 36 CFR 1220.56

Legal Deadline: None

Abstract: This change is intended to update the regulations regarding NARA's inspections of agency records management programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington DC 20408, 202 724-1453

RIN: 3095–AA48

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Final Rule Stage

3589. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37693
NPRM Comment Period End	11/13/89	54 FR 37693
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA22

3590. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48936
NPRM Comment Period End	02/03/89	53 FR 52202
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095–AA29

NARA — Final Rule Stage

3591. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT PROGRAM PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC 2501 to 2506

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: Revises and updates NHPRC's regulations to conform with governmentwide grants management regulations. Incorporating RIN 3095-AA20, "Membership on State Historical Records Advisory Boards", which restructures the State Historical Records Advisory Boards and redefines their function in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32455
NPRM Comment Period End	10/10/89	54 FR 32455
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Richard A. Jacobs, Executive Director, National Historical Publications and Records Commission, National Archives and Records Administration, Washington, DC 20408, 202 523-1701

RIN: 3095–AA43

3592. GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Drug-Free Workplace Act of 1988; 44 USC 2104(a)

CFR Citation: 36 CFR 1209

Legal Deadline: Final, Statutory, March 18, 1989.

Abstract: NARA is joining in the common grants rule to implement the Drug-Free Workplace Act of 1988. The rule will affect the National Historical Publications and Records Commission grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Comments on Interim Final Rule	04/03/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: The interim final rule will be revised to incorporate comments received.

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA44

3593. CREATION AND MAINTENANCE OF RECORDS; ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2901 to 2909; 44 USC 3101 to 3107

CFR Citation: 36 CFR 1222; 36 CFR 1224

Legal Deadline: None

Abstract: The National Archives is revising its regulations relating to the creation and preservation of adequate and proper documentation by Federal agencies of the organization, functions, policies, decisions, procedures, and essential transactions of the government. The revision will clarify and expand the description of adequate and proper documentation and provide additional standards for records creation and maintenance.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	54 FR 740
NPRM Comment Period End	02/08/90	54 FR 740
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division, National Archives and Records Administration, Washington DC 20408, 202 724-1453

RIN: 3095–AA45

3594. DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 2104; 44 USC 2107; 44 USC 2901 to 2909; 44 USC 3101 to 3107; 44 USC 3301 to 3314

CFR Citation: 36 CFR 1220; 36 CFR 1228

Legal Deadline: None

Abstract: The National Archives has revised its regulations relating to the disposition of Federal records to ensure clarity and conformity with current practices. This revision updates, clarifies, and reorganizes records disposition procedures. It was developed to provide additional information to assist agencies in carrying out their responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	54 FR 51768
NPRM Comment Period End	02/16/90	54 FR 51768
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Keeting, Deputy Director, Records Appraisal and, Disposition Division, National Archives and Records Administration, Washington, DC 20408, 202 724-1457

RIN: 3095–AA46

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3595. NARA STANDARDS OF CONDUCT

CFR Citation: 36 CFR 1204

Completed:

Reason	Date	FR Cite
Withdrawn because of OGE's government-wide regulation	01/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Brooks 202 523-3618

RIN: 3095–AA25

[FR Doc. 90-5953 Filed 04-20-90; 8:45 am]

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Part XXX

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Davis, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, or call (202) 682-5418.

Cynthia Rand,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3596. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	
NPRM Comment Period End	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Davis, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, **202 682-5418**

RIN: 3135–AA01

3597. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	
NPRM	04/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Julie Davis, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, **202 682-5418**

RIN: 3135–AA03

3598. CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809 (redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Julie Davis, General Counsel, Administrative Services Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW., Washington, DC 20506, **202 682-5418**

RIN: 3135–AA04

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

Final Rule Stage

3599. GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Significance: Agency Priority

Legal Authority: PL 100-690, Title V, Subtitle D, Sections 5151 to 5160; EO 12549

CFR Citation: 45 CFR 1154

Legal Deadline: Final, Statutory, February 16, 1989.
Section 5156 of the Drug-Free Workplace Act of 1988 requires agencies to issue regulations 90 days after the Act is signed into law.

Abstract: This rule is for the purpose of implementing the statutory requirements of the Drug-Free Workplace Act of 1988 which requires that recipients of Federal grants certify that they will maintain a drug-free workplace. If the grantee is an individual, certification that his or her conduct under the grant will be drug-free is required. This rule directs that grantees submit certifications and establish sanctions of violation for drug-free workplace requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4964
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Davis, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, **202 682-5418**

RIN: 3135–AA05

3600. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1157

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and Federally-recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for profit entities.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Julie Davis, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, **202 682-5418**

RIN: 3135–AA06

[FR Doc. 90-5954 Filed 04-20-90; 8:45 am]
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Part XXXI

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Public Law 96-354, and Executive Order 12291 "Federal Regulation," dated February 17, 1981, the National Endowment for the Humanities is required to publish, in April and October of each year, an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/786-0322.

Lynne V. Cheney,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3601. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 42 USC 2000d to 2000d4

CFR Citation: 45 CFR 1110; 45 CFR 1173

Legal Deadline: None

Abstract: This proposed regulation implements Title VI of the Civil Rights Act of 1984, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities, with respect to programs and activities receiving Federal financial assistance from the National Endowment for the Humanities.

Programs and activities receiving Federal financial assistance from the National Endowment for the Humanities are currently covered by a regulation implementing Title VI that was issued by the National Foundation on the Arts and the Humanities in 1973 (45 CFR 1110). The proposed rule will remove NEH programs from the coverage of the earlier rule and replace it with a new part applicable only to NEH-assisted programs and activities. Programs and activities assisted by the National Endowment for the Arts remain covered under the existing regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carol Gordon-Berry, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 419, Washington, DC 20506, 202 786-0410

RIN: 3136–AA11

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Final Rule Stage

3602. GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: PL 100-690, Title V, Subtitle D, Secs 5151 to 5160; EO 12549

CFR Citation: 45 CFR 1169

Legal Deadline: Final, Statutory, February 16, 1989.
Section 5156 of the Drug-Free Workplace Act of 1988 requires agencies to issue regulations 90 days after the Act is signed into law.

Abstract: This rule is for the purpose of implementing the statutory requirements of the Drug-Free Workplace Act of 1988 which requires that recipients of Federal grants certify that they will maintain a drug-free workplace. If the grantee is an individual, certification that his or her conduct under the grant will be drug-free is required. This rule directs that grantees submit certifications and establish sanctions for violation of drug-free workplace requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4964
Interim Final Rule Effective	03/18/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Rex O. Arney, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA12

3603. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301-6308; Pres. Memo. for Heads of Exec. Depts & Agencies (March 12, 1987)

CFR Citation: 45 CFR 1174

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and federally recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for profit entities.

NEH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA13

3604. ● IMPLEMENTATION OF TITLE IX OF THE EDUCATION ACT AMENDMENTS OF 1972

Legal Authority: 20 USC 1681

CFR Citation: 41 CFR 1171

Legal Deadline: None

Abstract: The proposed regulation implements Title IX of the Education Act Amendments of 1972, which prohibit discrimination or denial of benefits on basis of sex under any educational program or activity receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Gordon-Berry, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW Room 419, Washington, DC 20506, 202 786-0410

RIN: 3136–AA14

[FR Doc. 90-5955 Filed 04-20-90; 8:45 am]

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Part XXXII

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291 "Federal Regulation" (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 90-03, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: February 16, 1990.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Prerule Stage

3605. ● MEASURES TO CONTROL DISCHARGE AND DISPOSAL OF HARMFUL POLLUTANTS IN ANTARCTICA; POLLUTION CONTROL PERMITTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC sec 1970; 16 USC sec 2405; 16 USC sec 2407; 16 USC sec 2408; 16 USC sec 2409; 16 USC sec 2411

CFR Citation: 45 CFR 671

Legal Deadline: None

Abstract: This action will amend NSF's regulations by adding a new Part 671 (45 CFR 671), entitled "Measures to Control Discharge and Disposal of Harmful Pollutants in Antarctica; Pollution Control Permitting Requirements." The Antarctic Conservation Act of 1978 requires NSF to issue regulations designating any substance that, if introduced into Antarctica, may create hazards to human health, harm living resources or marine life, damage amenities, or interfere with other legitimate uses of Antarctica. The Act also requires NSF to establish regulations and permitting procedures that prevent or control the discharge of such pollutants from any source within Antarctica.

Timetable:

Action	Date	FR Cite
Public Hearing	06/18/90	
ANPRM	06/00/90	
NPRM	03/00/91	
Final Action	07/00/91	
Final Action Effective	07/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Robert M. Andersen, Deputy General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA15

NATIONAL SCIENCE FOUNDATION (NSF) — Proposed Rule Stage

3606. ● ENVIRONMENTAL IMPACTS ABROAD AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC sec 1870; EO 12114; 16 USC sec 2405; 16 USC sec 2411

CFR Citation: 45 CFR 641

Legal Deadline: None

Abstract: This action will amend NSF's regulations by adding a new Part 641 (45 CFR 641), entitled "Environmental Impacts Abroad and Related Procedures." Executive Order 12114 directs every Federal agency to publish appropriate procedures for evaluating the environmental impacts of major Federal actions outside the United States, specifically "actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica)." These regulations will set forth the procedures for assessing environmental impacts abroad, and determining the appropriate environmental review document to be used while making decisions concerning such major Federal actions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lawrence Rudolph, Assistant General Counsel, National Science Foundation, 1800 G Street, NW., Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA14

NATIONAL SCIENCE FOUNDATION (NSF)

Final Rule Stage

3607. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (35 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a governmentwide implementing regulation. The Foundation's Patents regulation (45 CFR 650) conforms to it. Because the revision to the NSF patents regulation will merely echo a governmentwide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The notable changes to be made in the revision of the NSF patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA07

[FR Doc. 90-5956 Filed 04-20-90; 8:45 am]

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Part XXXIII

Office of Government Ethics

Semiannual Regulatory Agenda

OFFICE OF GOVERNMENT ETHICS (OGE)

OFFICE OF GOVERNMENT ETHICS

5 CFR Ch. XVI

Semiannual Regulatory Agenda; April 1990

AGENCY: Office of Government Ethics.

ACTION: Semiannual agenda of substantive regulations.

SUMMARY: The following Office of Government Ethics (OGE) substantive regulations are scheduled for development or review during the period from April 1, 1990, through March 31, 1991. This agenda fulfills OGE's responsibility to publish a semiannual regulatory agenda under E.O. 12291 "Federal Regulation" and has been prepared in accordance with Office of Management and Budget Bulletin No. 90-03. None of the OGE regulations in this April 1990 agenda will have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. ch. 6. Furthermore, none of the listed OGE regulatory actions are major rules under E.O. 12291 nor procurement-related. Finally, the organizational and procedural rules of OGE, such as its future Freedom of Information Act and Privacy Act rules, are not listed herein. (See section 1(a)(3) of E.O. 12291.)

This is the first regulatory agenda published by OGE in its recently acquired separate executive agency status. (See Pub. L. 100-598 and 54 FR 50229-50231 (December 5, 1989).) OGE was formerly a part of the Office of Personnel Mangement (OPM), and its regulatory actions were included for the final time in OPM's agenda published last fall. (See 54 FR 45432, 45437 (October 30, 1989).) All of OGE's listed regulatory actions have now been assigned new OGE Regulation Identifier Numbers (RINs); the new RINs appear in this regulatory agenda. (For those items previously in the OPM agenda, while OGE was a part thereof, the old OPM RINs are also indicated.) This publication in the **Federal Register** does not impose a binding obligation on the Office of Government Ethics with respect to any particular item on its agenda. The dates shown for the future steps of each action are estimates and not commitments to act by the date shown. Moreover, substantive OGE regulatory actions, in addition to the entries listed, are not precluded. Finally, as noted above, OGE's procedural rules are not listed.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

Approved: March 21, 1990.

Donald E. Campbell,

Acting Director, Office of Government Ethics.

OFFICE OF GOVERNMENT ETHICS (OGE) — Proposed Rule Stage

3608. EXECUTIVE AGENCY REGULATIONS GOVERNING NON-PUBLIC FINANCIAL DISCLOSURE REPORTS

Significance: Agency Priority

Legal Authority: 5 USC app 207; 5 USC app 107; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2633 (New); 5 CFR 735.401 to 735.412

Legal Deadline: None

Abstract: Regulation to supersede 5 CFR Part 735, Subpart D dealing with non-public (confidential) financial disclosure reporting by executive branch agency mid-level employees with sensitive duties and special Government employees.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Second NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William E. Gressman, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA01

3609. ● EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 26 USC 1043

CFR Citation: 5 CFR 2634 (New & Revision)

Legal Deadline: None

Abstract: Regulation revising the executive branch public financial disclosure report system for high-level officials in light of the changes to the Ethics in Government Act effected by the Ethics Reform Act of 1989 (Pub. L. 101-194). The new disclosure provisions will apply to reports filed beginning January 2, 1991.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Norman B. Smith, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA00

3610. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH

Significance: Agency Priority

Legal Authority: 5 USC 7351; 5 USC 7353; 5 USC app III; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2635 (New & Revision); 5 CFR 735.101 to 735.306 (Revision)

Legal Deadline: None

Abstract: Proposed new regulation implementing certain provisions of recent Executive Order 12674 on Principles of Ethical Conduct and the Ethics Reform Act of 1989 (Public Law 101-194) to supersede executive branch employee conduct and gifts rules of current 5 CFR Part 735, Subparts A, B and C, and the interim gifts rule at current 5 CFR 2635.101.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA04

3611. ● REGULATION CONCERNING POST-GOVERNMENT EMPLOYMENT CONFLICT OF INTEREST FOR THE EXECUTIVE BRANCH

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 18 USC 207

CFR Citation: 5 CFR 2637 (Revision)

Legal Deadline: None

Abstract: Revision of interpretive regulation to provide guidance to the executive branch on the future version of the post-government employment conflict of interest statute, 18 U.S.C. 207, which will become effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989. The revised regulation will include procedures for waivers by the Office of Government Ethics of certain senior official constraints based on executive agency hardship.

Timetable:

Action	Date	FR Cite
NPRM	05/00/91	
NPRM Comment Period End	07/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Julia S. Loring, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA08

3612. ● EXECUTIVE AGENCY GOVERNMENT ETHICS TRAINING PROGRAMS

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2638.301 to 2638.304 (New)

Legal Deadline: None

Abstract: Regulation specifying the responsibilities of executive branch agencies and their designated agency ethics officials to develop annual ethics training courses and to distribute appropriate guidance materials to their employees under section 301(c) of E.O. 12674.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA07

3613. ● INTERPRETATION OF 18 U.S.C. 209, THE CONSTRAINT AGAINST PRIVATE SUPPLEMENTATION OF SALARIES OF GOVERNMENT OFFICIALS AND EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2639 (New)

Legal Deadline: None

Abstract: Proposed regulation interpreting section 209 of Title 18, U.S.C., prohibiting the supplementation of the Government salary of executive branch officers and employees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
NPRM Comment Period End	06/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA12

3614. ● INTERESTS EXEMPT FROM THE COVERAGE OF THE RESTRICTIONS OF 18 U.S.C. 208(A)

Significance: Agency Priority

Legal Authority: 18 USC 208; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2640 (New)

Legal Deadline: None

Abstract: Proposed regulation will list and describe interests which are considered to be too remote or too inconsequential to affect the integrity of the services of executive branch officers or employees, in accordance with 18 U.S.C. 208(b)(2). Such interests will be exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA09

3615. ● GUIDANCE ON ISSUANCE OF AD HOC WAIVERS PURSUANT TO 18 U.S.C. 208(B)(1) AND 208(B)(3)

Significance: Agency Priority

Legal Authority: 18 USC 208; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2640 (New)

Legal Deadline: None

Abstract: Proposed regulation will provide guidance to executive branch agencies as to the kinds of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from an employee and which therefore may be waived from the general rule of disqualification pursuant to 18 U.S.C. 208(b)(1). Guidance will also be provided concerning the issuance of waivers to special

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Government employee advisory committee members pursuant to 18 U.S.C. 208(b)(3).

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA10

3616. ● INTERPRETATION OF 18 U.S.C. 208, ACTS AFFECTING A PERSONAL FINANCIAL INTEREST

Significance: Agency Priority

Legal Authority: 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2640 (New)

Legal Deadline: None

Abstract: Proposed regulation interpreting section 208(a) of Title 18, U.S.C., which prohibits officers or employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver under 18 U.S.C. 208(b)).

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
NPRM Comment Period End	06/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane S. Ley, Deputy General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA11

OFFICE OF GOVERNMENT ETHICS (OGE) — Final Rule Stage

3617. ● PUBLIC FINANCIAL DISCLOSURE, CONFLICTS OF INTEREST, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH OFFICIALS

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 26 USC 1043

CFR Citation: 5 CFR 2634.1001 to 2634.1004 (New)

Legal Deadline: None

Abstract: Regulation implementing a new provision of the Ethics Reform Act of 1989 providing for tax deferral if sale of property by an executive branch official (or related person) is deemed necessary to comply with conflict of interest requirements pursuant to a certificate of divestiture to be issued by the Office of Government Ethics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Norman B. Smith, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA06

3618. ● POST EMPLOYMENT CONFLICT OF INTEREST: SUPPLEMENTAL 1990 DESIGNATION OF CERTAIN EXECUTIVE BRANCH SENIOR EMPLOYEE POSITIONS AND SEPARATE AGENCIES

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 18 USC 207

CFR Citation: 5 CFR 2637 (Revision)

Legal Deadline: None

Abstract: Additional updating designation regulation to reflect certain newly created separate, or merged, agencies in the executive branch and their Senior Employee positions for purposes of the post-government employment senior level conflicts constraints of 18 U.S.C. 207.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas F. Zorn, Acting Chief, Program Development Branch Monitoring and Compliance Division, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA03

3619. CORRECTIVE ACTION AND REPORTING REQUIREMENTS RELATING TO EXECUTIVE AGENCY ETHICS PROGRAMS: IMPLEMENTATION OF THE OGE REAUTHORIZATION ACT OF 1988

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV

CFR Citation: 5 CFR 2638.501 to 2638.703 (New)

Legal Deadline: None

Abstract: New regulation implementing provisions of the Office of Government Ethics Reauthorization Act of 1988 (Pub. L. 100-598) regarding corrective actions, both as to executive branch agency ethics program deficiencies and individual executive officer or employee violations of ethics provisions other than statutes (remedial action can also be directed), as well as executive agency ethics program report requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/18/90	55 FR 1665
Final Action	06/00/90	

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Action	Date	FR Cite
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA02

OFFICE OF GOVERNMENT ETHICS (OGE) — Completed Actions

3620. ● CONTINUATION OF EXECUTIVE AGENCY GIFTS REGULATIONS, INCLUDING EXCEPTIONS

Significance: Agency Priority

Legal Authority: 5 USC 7351; 5 USC 7353; 5 USC app III; 5 USC app IV; EO 12674

CFR Citation: 5 CFR 2635.101; 5 CFR 735.202

Legal Deadline: None

Abstract: Final rule, issued with concurrence of the Office of Personnel Management, under provisions of title III of the Ethics Reform Act of 1989 to preserve existing executive branch agency gifts regulations, including exceptions, until final issuance by the Office of Government Ethics of the forthcoming Standards of Ethical Conduct.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/30/89	54 FR 53310

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William E. Gressman, Staff Attorney, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA05

3621. POST EMPLOYMENT CONFLICT OF INTEREST: DESIGNATION OF CERTAIN EXECUTIVE BRANCH SENIOR EMPLOYEE POSITIONS AND SEPARATE AGENCIES OF 1989

Significance: Agency Priority

Legal Authority: 5 USC app III; 5 USC app IV; 19 USC 207

CFR Citation: 5 CFR 2637 (New & Revision)

Legal Deadline: None

Abstract: Final regulation to meet the annual requirement to designate executive branch Senior Employee positions (for CY 1989) subject to the additional senior level post-government conflict of interest constraints of 18 U.S.C. 207, as well as to designate certain separate executive agencies thereunder.

Timetable:

Action	Date	FR Cite
Final Action	12/28/89	54 FR 53310
Final Action	02/07/90	55 FR 4308
Final Action Effective	02/07/90	55 FR 4308

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas F. Zorn, Acting Chief, Program Development Branch, Monitoring and Compliance Division, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209–AA03

[FR Doc. 90-6988 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XXXIV

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars and Policy Letters Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31, United States Code; Executive Order No. 11541; and other specific authority as cited. The agenda includes actions on issuances which are not guidelines but which are of public interest. While it is presented in the standard Governmentwide format of prerule, proposed rule, and final rule stages, the entries are not rules.

OMB Circulars and OFPP Policy Letters are policy guidelines that communicate Governmentwide policy of a continuing nature. For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda; c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell Johnson, (202) 395-7250, at the above address.

Dated: March 12, 1990.

Darrell A. Johnson,

Assistant Director for Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3622	Policies on Government Publications (Circular No. A-3)	0348-AA77
3623	Management of Federal Audiovisual Activities (Circular No. A-114)	0348-AA84
3624	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76
3625	"Rule of Origin" Under the Buy American Act of 1933 as Amended	0348-AA88

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3626	Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45)	0348-AA85
3627	Writing and Administering Performance Work Statements (Part II of Supplement to Circular No. A-76)	0348-AA34
3628	Enhancing Governmental Productivity Through Competition (Circular No. A-76)	0348-AA45
3629	Grants and Cooperative Agreements (OMB Circular No. A-XXX)	0348-AA69

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3630	Federal Government User Charges Policy (Circular No. A-25)	0348-AA41
3631	Cost Principles for State and Local Governments (Circular No. A-87)	0348-AA83
3632	Audits of Institutions of Higher Education and Other Nonprofit Organizations (Proposed Circular No. A-133)	0348-AA68
3633	Statistical Policy Directives	0348-AA43

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3634	Prompt Payment (Circular No. A-125)	0348-AA67

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Prerule Stage

3622. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, "Government Publications", last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. OMB is proposing to incorporate this Circular, with revisions, into OMB Circular No. A-130, "Management of Federal Information Resources" and published a proposed revision for comment on January 4, 1989. On June 15, 1989, OMB published a notice for comment summarizing comments on the January 1989 notice, presenting OMB reaction to comments, and further describing proposed revisions to Circular No. A-3. On August 18, 1989, OMB issued OMB Bulletin No. 89-15 which effected certain revisions to Circular A-3 in reporting requirements.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal to Replace Circular	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal to Replace Circular	06/15/89	54 FR 25554
Third Advance Proposal to Replace Circular	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-4814**

RIN: 0348–AA77

3623. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1950

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources. OMB is reviewing this Circular pursuant to the Sunset Review Provision of the Circular as revised on March 20, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	10/01/89	
Publish Draft Revision in FR for Public Comment	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Linda Mesaros, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, **202 395-3300**

RIN: 0348–AA84

3624. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Significance: Agency Priority

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources", issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235). OMB published for comment on January 4, 1989, a proposed further policy on dissemination of information that includes electronic dissemination of information and user charges for government information products. On June 15, 1989, OMB published for comment a notice, presenting OMB reaction to comments, withdrawing the January 1989 notice, and outlining plans for revising Circular No. A-130.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal of Changes	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal to Circular	06/15/89	54 FR 25554
Third Advance Proposal to Circular	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-4814**

RIN: 0348–AA76

3625. "RULE OF ORIGIN" UNDER THE BUY AMERICAN ACT OF 1933 AS AMENDED

Significance: Agency Priority

Legal Authority: PL 100-418, Section 7002

CFR Citation: None

Legal Deadline: Other, Statutory, February 1990.
OFPP must present a report to Congress by February 1990 which includes policy guidance or recommended legislative changes on factors to be used in making determinations of country of origin.

Abstract: The Buy American Act (the Act) was enacted in 1933 to ensure Federal agencies gave domestic products priority in competition for government contracts. The Act provides that, unless it is inconsistent with the public interest or unreasonably costly, all materials and supplies purchased by any department of the Federal Government, and all materials and supplies furnished by contractors doing work for the Federal Government, be produced within the jurisdictional limits of the United States. In 1988, the Act was amended by several sections of Title VII of PL 100-418. among other things, the 1988 amendments, directed the Administrator of Federal Procurement Policy to "conduct an assessment of the rules currently used this Act for making determinations of country of origin and alternatives to

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such rules." In conducting this assessment, the administrator was directed to identify and evaluate reasonable alternative rules of origin, including one which requires that a determination be made on the basis of total cost. The results of this analysis, including policy guidance and recommended legislative changes,are to be submitted to designated committees of Congress by Feb. 90.

Timetable:

Action	Date	FR Cite
Report to Congress	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: William Coleman, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, 725 17th St., NW.; NEOB; Rm. 9025, Washington, DC 20503, **202 395-3501**

RIN: 0348–AA88

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Proposed Rule Stage

3626. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911 (F); EO 11609 (Section 9)

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this Circular pursuant to the provisions of paragraph 9 of the Circular, dated March 28, 1984.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/88	
Draft Published for Comment	06/00/90	
Final Action	10/00/90	
End Review	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, **202 395-6810**

RIN: 0348–AA85

3627. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	11/02/90	
Final Action	01/04/91	
Final Action Effective	03/02/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Frances Clark, Director, Privatization Branch, Office of Management and Budget, Washington, DC 20503, **202 395-5700**

RIN: 0348–AA34

3628. ENHANCING GOVERNMENTAL PRODUCTIVITY THROUGH COMPETITION (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes required by Executive Order No. 12615, and to provide more management flexibility to directly contract certain functions.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	11/02/90	
Final Action	01/04/91	
Final Action Effective	03/02/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Frances Clark, Director, Privatization Branch, Office of Management and Budget, Washington, DC 20503, **202 395-5700**

RIN: 0348–AA45

3629. GRANTS AND COOPERATIVE AGREEMENTS (OMB CIRCULAR NO. A-XXX)

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; Federal Grant and Cooperative Agreement Act of 1977; Intergovernmental Cooperation Act of 1968; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: The proposed circular would replace OMB Circulars No. A-102, "Grants and Cooperative Agreements with State and Local Governments", and No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations", to contain guidance to Federal agencies on grants management issues which are internal to the Federal agencies. Simultaneously, the Federal agencies are proposing a common rule, "Uniform Administrative Requirements

for Grants and Cooperative Agreements", which contains fiscal and administrative requirements for grantees.

Timetable:

Action	Date	FR Cite
Begin Review	06/15/87	
Invitation for Comments	06/24/87	52 FR 23729
Proposed Circular	11/04/88	53 FR 44710
Final Circular	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Wendy Zenker, Management Analyst, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-9611**

RIN: 0348–AA69

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

3630. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Title V of Independent Offices Appropriations Act of 1952; 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	07/01/87	52 FR 24890
Public Comment Period End	08/01/87	
Final Publication	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joel Friedman, Financial Economist, Office of Management and Budget, Budget Review Division, Fiscal Analysis Branch, Washington, DC 20503, **202 395-4574**

RIN: 0348–AA41

3631. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 64 Stat 832; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; EO 11541; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: This review will update the circular.

Timetable:

Action	Date	FR Cite
Draft Circular Published for Public Comment	10/14/88	53 FR 40352
Circular to be Issued	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-3993**

RIN: 0348–AA83

3632. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS (PROPOSED CIRCULAR NO. A-133)

Significance: Agency Priority

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; Reorganization Plan No.2 of 1970; EO 11541; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: The review will develop requirements for "single audit" of universities and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for Public Comment	11/06/85	50 FR 46244
Publish Revised Proposal for Comment	11/10/88	53 FR 45744
Circular To Be Issued	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Current policy for independent audits of universities is contained in Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations". The proposed revision will be merged with current policy for Federal audits of universities contained in Circular No. A-88.

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-3993**

RIN: 0348–AA68

3633. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of

OMB **Final Rule Stage**

the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. A revised draft circular is planned to be issued for public comment by October 1991. The final circular is planned for April 1992.

Timetable:

Action	Date	FR Cite
Draft Circular for Public Comment	01/20/88	53 FR 1542
Final Circular	04/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-3093**

RIN: 0348–AA43

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3634. PROMPT PAYMENT (CIRCULAR NO. A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; 31 USC 3901 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Office of Management and Budget has amended Circular No. A-125 to implement changes made by the Prompt Payment Act Amendments of 1988, PL 100-496.

Timetable:

Action	Date	FR Cite
Proposal to Revise Circular	04/14/89	54 FR 15053
Comment Period End	05/30/89	
Final Action	12/21/89	54 FR 52700
Final Action Effective	12/21/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Suzanne Duval, Management Analyst, Office of Management and Budget, Financial Management Division, Credit and Cash Management Branch, Washington, DC 20503, **202 395-6107**

RIN: 0348–AA67

[FR Doc. 90-6989 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XXXV

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from April 1, 1990, through March 31, 1991. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. ch. 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 632-0373.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3635	Executive Assignment System	3206-AC03
3636	Recertification of Senior Executive Service Members	3206-AD92
3637	Suitability—Suitability Disqualification/Rating Actions	3206-AC19
3638	Personnel Security and Related Programs	3206-AC21
3639	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3640	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3641	Performance Management System	3206-AD22
3642	Veterans Readjustment Appointment (VRA) Program	3206-AD80
3643	Noncompetitive Conversion of Personal Assistants to Employees with Disabilities	3206-AD93
3644	Executive and Management Development	3206-AC12
3645	Prevailing Rate Systems	3206-AD70
3646	Pay Administration (General); Annual Premium Pay for Administratively Uncontrollable Overtime Work	3206-AD97
3647	Pay Administration Under the FLSA: Compliance	3206-AA40
3648	Political Activity of Federal Employees	3206-AA47
3649	Agency Administrative Grievance System	3206-AD96
3650	Retirement; Voluntary Contributions	3206-AE00
3651	Retirement; Credit for Military Service	3206-AD87
3652	Retirement; Credit and Deposits for Military Service	3206-AB73
3653	Retirement; Determinations of Marital Status	3206-AE03
3654	Retirement; CSRS Offset Service	3206-AD58
3655	Retirement; Disability Retirement	3206-AB77
3656	Debt Collection	3206-AD88
3657	Retirement; Concurrent Entitlement to Retirement and Compensation Benefits	3206-AD89
3658	Retirement; Reemployment of Annuitants	3206-AD60
3659	Retirement; MRA + 10 Retirement	3206-AE02
3660	Retirement; Basic Employee Death Benefits under FERS	3206-AD85
3661	FEGLI; Equitable Entitlement Payments	3206-AD95
3662	Miscellaneous Federal Employees Health Benefits Program (FEHBP) Amendments	3206-AD55
3663	Amendment to ALJ Regulations	3206-AD82
3664	Voting Rights Program	3206-AD98
3665	Federal Employees' Group Life Insurance Acquisition Regulation	3206-AE04
3666	OPM Procurement Regulations	3206-AB28

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Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3667	Availability of Official Information	3206-AD83
3668	Employment (General); Employment Practices	3206-AB41
3669	Amendment to Selective Service Registration Requirements	3206-AD68
3670	Employment in the Excepted Service	3206-AD73
3671	Pay Under the General Schedule; "Highest Previous Rate"	3206-AD44
3672	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3673	Retirement; Bankruptcy Judges and Magistrates	3206-AD86
3674	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3675	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AD48
3676	Retirement; Deposits for Military Service	3206-AB35
3677	Retirement; Crediting Personal Service Contract Service	3206-AD59
3678	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3679	Retirement; Federal Employees' Retirement System Act of 1986	3206-AD65
3680	Retirement; FEGLI; Miscellaneous Amendments	3206-AD84
3681	Retirement; FERS Cost-of-Living Adjustments	3206-AD62
3682	Retirement; FERS—Annual Pay Computation for Less than Full-Time Employees	3206-AD63
3683	Retirement; FERS Disability Benefits	3206-AD61
3684	Retirement; FERS Coverage Elections	3206-AE01
3685	Federal Employees' Group Life Insurance; Annual Rates of Pay for Employees Who Work Less Than Full Time	3206-AD50
3686	Federal Employees Health Benefits for Former Spouses of CIA and Foreign Service Employees	3206-AD28
3687	Federal Employees Health Benefits Program/Withdrawal of Carrier and Plan Approval	3206-AD37
3688	Federal Employees Health Benefits Program (FEHBP) Enrollment Process for Federal Employees' Retirement System (FERS) Retirees	3206-AD53
3689	Repeal of Reduction of Health Benefits Premiums for Medicare Eligible Individuals	3206-AD94
3690	Federal Employees Health Benefits Program; Coverage of Annuitants Upon Plan Termination	3206-AD99
3691	Debarments, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Services or Supplies for Cited Offenses	3206-AD76
3692	Federal Employees Health Benefits Program; Temporary Continuation of Coverage	3206-AD66
3693	Computer Security Training	3206-AD43
3694	Modification of Federal Employees Health Benefits Acquisition Regulation (FEHBAR) Provisions and Clauses	3206-AD78

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3695	Performance Awards in the Senior Executive Service	3206-AD91
3696	Grade and Pay Retention	3206-AD45
3697	Pay Administration (General); Severance Pay	3206-AC41
3698	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3699	Allowances and Differentials; Cost of Living Allowance and Post Differential—Nonforeign Areas	3206-AB34
3700	Absence and Leave; Voluntary Leave Transfer Program	3206-AD41
3701	Absence and Leave; Voluntary Leave Bank Program	3206-AD69
3702	Executive Personnel Financial Disclosure Requirements	3206-AA93
3703	Employee Responsibilities and Conduct	3206-AD90
3704	Post Employment Conflict of Interest; 1988 Designation of Certain Positions and Agencies	3206-AD72
3705	Corrective Action and Reporting Requirements Relating to Agency Ethics Programs	3206-AD71
3706	Health Insurance Coverage for Certain Temporary Employees	3206-AD79
3707	Federal Employees Health Benefits Program; Continuation of Enrollment and Discontinued Plan Enrollment Changes	3206-AB88

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Prerule Stage

3635. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions,

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and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/90	
End Review	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, Office of Executive Administration, 1900 E Street, NW., Washington, DC 20415, 202 632-4486

RIN: 3206–AC03

3636. ● RECERTIFICATION OF SENIOR EXECUTIVE SERVICE MEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 3393a; 5 USC 3397

CFR Citation: 5 CFR 317

Legal Deadline: None

Abstract: Proposed regulations providing procedures for recertification of career members of the Senior Executive Service every third year, beginning in CY 1991. Recertification required by section 506 of the Ethics Reform Act of 1989 (Pub. L. 101-194, November 30, 1989).

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
Comment Period End		
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Administration, Office of Personnel Management, Office of Executive Personnel, 1900 E St. NW., Washington, DC 20415, 202 632-4486

RIN: 3206–AD92

3637. SUITABILITY—SUITABILITY DISQUALIFICATION/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, 202 632-4426

RIN: 3206–AC19

3638. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, 202 632-4426

RIN: 3206–AC21

3639. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, 202 632-4426

RIN: 3206–AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Proposed Rule Stage

3640. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

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Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
NPRM	06/30/90	
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Oland, Chief, Program Development Division, Agency Compliance and Evaluation, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4468

RIN: 3206–AA66

3641. PERFORMANCE MANAGEMENT SYSTEM

Legal Authority: 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54; 5 USC 552; EO 12107; 5 USC 1103; 5 USC 1104; 5 USC 1302; 5 CFR 7.2; EO 9830

CFR Citation: 5 CFR 293; 5 CFR 430

Legal Deadline: None

Abstract: Revises requirements for the Performance Management Systems for General Schedule and Prevailing Rate employees. Regulations will be streamlined to eliminate impediments to management flexibility while still assuring pay-for-performance systems. The section on filing and transfer of performance records contains a technical change that would bring the Official Personnel Folder (OPF) subpart into conformance with the Employee Performance Folder (EPF) subpart, indicating that performance ratings of record, and the performance plans on which they are based, may be filed in either the OPF or the EPF.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	
Final Action	12/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice B. Smith, Chief, Performance Management Branch, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-7630

RIN: 3206–AD22

3642. VETERANS READJUSTMENT APPOINTMENT (VRA) PROGRAM

Legal Authority: 38 USC 2014

CFR Citation: 5 CFR 307

Legal Deadline: None

Abstract: Final regulations will follow interim regulations to reflect the VRA extension and expansion to December 31, 1993, by Public Law 101-237, signed by the President on December 18, 1989.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carbonneau, Special Assistant for Veterans Programs, Career Entry and Employee Development Group, Office of Personnel Management, Affirmative Recruiting and Employment, 1900 E Street, NW., Washington, DC 20415, 202 632-0643

RIN: 3206–AD80

3643. ● NONCOMPETITIVE CONVERSION OF PERSONAL ASSISTANTS TO EMPLOYEES WITH DISABILITIES

Legal Authority: EO 12685

CFR Citation: 5 CFR 315

Legal Deadline: None

Abstract: The President signed the Executive order permitting noncompetitive conversion of personal assistants to employees with disabilities. OPM will issue interim regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carbonneau, Special Assistant for Veterans Programs, Career Entry and Employee Development Group, Office of Personnel Management, Affirmative Recruiting and Employment, 1900 E St. NW., Washington, DC 20415, 202 632-0643

RIN: 3206–AD93

3644. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412

Legal Deadline: None

Abstract: Regulations to reconstruct executive and management development program authority.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Loftis, Chief, Management and Oversight Division, Office of Personnel Management, Career Entry and Employee Development Group, 1121 Vermont Ave., NW; PO Box 7559, Washington, DC 20044, 202 632-0255

RIN: 3206–AC12

3645. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule would move material that is of a regulatory nature from FPM Supplements 532-1 and 532-2 to 5 CFR Part 532.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Summers, Acting Chief, Wage Systems Division, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, 202 632-7830

RIN: 3206–AD70

3646. ● PAY ADMINISTRATION (GENERAL); ANNUAL PREMIUM PAY FOR ADMINISTRATIVELY UNCONTROLLABLE OVERTIME WORK

Significance: Regulatory Program

Legal Authority: 5 USC 5548(a); PL 101-173

CFR Citation: 5 CFR 550

Legal Deadline: None

Abstract: Public Law 101-173, November 27, 1989, amended 5 U.S.C. 5545(c)(2), effective in October 1990, to remove the GS-10, step 1, limit on the base rate of pay used to compute annual premium pay for administratively uncontrollable overtime (AUO) work. Under the amendment, AUO pay will be computed as a percentage (up to 25 percent) of an employee's full rate of basic pay, regardless of salary level. This amendment will affect higher graded law enforcement employees and others who receive AUO pay.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Chief, Pay Administration Branch, Personnel Systems and Oversight Group, Office of Personnel Management, Office of Pay and Performance, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD97

3647. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Tapping, Personnel Management Specialist, Personnel and Systems and Oversight Group, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4530

RIN: 3206–AA40

3648. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 ,3 CFR 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Room 7538, Washington, DC 20415, 202 632-5030

RIN: 3206–AA47

3649. ● AGENCY ADMINISTRATIVE GRIEVANCE SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 9832; EO 11222

CFR Citation: 5 CFR 771

Legal Deadline: None

Abstract: Revises requirements for agency administrative grievance systems (AGS) to: (1) broaden and clarify the type of matters and categories of employees covered by the AGS (2) simplify AGS requirements, (3) require agencies to establish timeframes and other measures to ensure prompt consideration of grievances, (4) enhance employee perceptions of AGS fairness and responsiveness, (5) allow cancellation of improper or duplicative grievances, (6) clarify agency flexibility in tailoring their AGS to the dispute at hand, (7) encourage use of alternative forms of dispute resolution, and (8) require agencies to periodically examine the operation and effectiveness of their AGS.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy M. Dirks, Chief, Employee Relations Division, Office of Employees and Labor Relations, Office of Personnel Management, 1900 E Street, NW. Room 7412, Washington, DC 20415, 202 653-8551

RIN: 3206–AD96

3650. ● RETIREMENT; VOLUNTARY CONTRIBUTIONS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart D

Legal Deadline: None

Abstract: These regulations will restructure the existing regulations governing voluntary contribution accounts under the Civil Service Retirement System. Rules on the accrual of interest on these accounts will be included for the first time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AE00

3651. RETIREMENT; CREDIT FOR MILITARY SERVICE

Legal Authority: 5 USC 8347; 5 USC 8461; PL 97-253, Sec 307

CFR Citation: 5 CFR 831, Subpart C; 5 CFR 842, Subpart C; 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations govern credit for military service under FERS and CSRS in situations where annuitants have simultaneous entitlement to Social Security benefits.

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Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD87

3652. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AB73

3653. ● RETIREMENT; DETERMINATIONS OF MARITAL STATUS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831, Subpart F; 5 CFR 843, Subparts A and C

Legal Deadline: None

Abstract: These regulations will establish requirements for proof of marital status affecting a retiree's or survivor's rights under the Civil Service Retirement System and the Federal Employees Retirement System.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AE03

3654. RETIREMENT; CSRS OFFSET SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart J

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provided that certain employees would continue to be covered by both the Civil Service Retirement System and social security. Their CSRS deductions are offset by social security taxes (FICA), and, when they retire, their CSRS benefits are offset by the value of this service in their social security benefits. The regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD58

3655. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AB77

3656. DEBT COLLECTION

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 835

Legal Deadline: None

Abstract: These proposed regulations would consolidate in one Part, all of OPM's procedures for collecting both our own and other agencies' debts from benefits payable from the Civil Service Retirement and Disability Fund for debtors covered by the Civil Service Retirement System or the Federal Employees Retirement System.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD88

OPM

Proposed Rule Stage

3657. RETIREMENT; CONCURRENT ENTITLEMENT TO RETIREMENT AND COMPENSATION BENEFITS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: These regulations would implement Section 124 of Public Law 100-238, the Federal Employees Retirement System Technical Corrections Act, which addressed commuted compensation payments. They would also clarify the effect of an alternative annuity election in cases where retirees have concurrent entitlement to a retirement annuity and compensation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD89

3658. RETIREMENT; REEMPLOYMENT OF ANNUITANTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart K; 5 CFR 846

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, amended the Federal Employees' Retirement System Act provisions concerning reemployment of FERS annuitants and CSRS annuitants who transfer to FERS. These regulations implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD60

3659. ● RETIREMENT; MRA + 10 RETIREMENT

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, Subpart B

Legal Deadline: None

Abstract: Proposed regulations to prescribe rules governing the establishment of the commencing date of an MRA + 10 retirement annuity.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AE02

3660. RETIREMENT; BASIC EMPLOYEE DEATH BENEFITS UNDER FERS

Legal Authority: 5 USC 8442; 5 USC 8461

CFR Citation: 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations give notice of our existing practice to permit surviving spouses who elect to receive the basic employee death benefit in installments to opt to receive the present value of the remaining installments in a lump sum.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD85

3661. ● FEGLI; EQUITABLE ENTITLEMENT PAYMENTS

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Legal Deadline: None

Abstract: The Federal Employees' Group Life Insurance Law provides at 5 U.S.C. 8705(c) that if within 2 years of the death of an insured individual no claim for payment has been filed, OPM may decide to direct that payment be made to a claimant outside the statutory order of precedence who, in the judgment of OPM, is equitably entitled. These regulations will specify the conditions under which OPM will authorize payment to such claimants.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eleanor Goodwin, Chief, Insurance Policy Division, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD95

3662. MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to establish earlier effective date of coverage for former spouses; to clarify the treatment of former spouse health benefits if former spouse is or becomes a Federal employee or is covered under the Federal enrollment of another; and to clarify the current provision on continued coverage while confined in a hospital at the time of change of plan.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD55

3663. AMENDMENT TO ALJ REGULATIONS

Legal Authority: 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3323(b); 5 USC 3344; 5 USC 4301(2)(D); 5 USC 5335(a)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: None

Abstract: OPM is proposing to amend its regulations governing the appointment, pay, and removal of administrative law judges. The proposed amendment would permit an administrative law judge to transfer to another agency before completing 1 year of service. If the gaining and losing agency agree to the transfer before the usually required 1 year of service following appointment is completed, such transfers should be permitted under the regulations so that the gaining agency does not have to request a variation from established regulations to effect the transfer.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30898
NPRM	04/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig B. Pettibone, Assistant Director, Administrative Law Judges, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E Street, NW., Room 2433, Washington, DC 20415, 202 632-5677

RIN: 3206–AD82

3664. ● VOTING RIGHTS PROGRAM

Legal Authority: 42 USC 1973 (a) to (e)

CFR Citation: 45 CFR 801.101

Legal Deadline: None

Abstract: The Voting Rights Act of 1965 places certain responsibilities on the Office of Personnel Management in order to effectuate the guarantees of the 15th Amendment. OPM is responsible, when so requested by the Attorney General, for opening and staffing examining offices in order to examine applicants to be registered to vote. Accordingly, when the Attorney General determines it is necessary, the Office may be requested to open offices in political subdivisions in various states to examine the qualifications of minorities or non-English speaking citizens to vote.

Timetable:

Action	Date	FR Cite
NPRM	04/20/90	
Final Action	06/20/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie J. Peters, Law Clerk for Voting Rights, Administration Group, Office of Personnel Management, 1900 E St., NW., Washington, DC 20415, 202 632-4437

RIN: 3206–AD98

3665. ● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACQUISITION REGULATION

Legal Authority: 5 USC 8716; 48 CFR 1.301

CFR Citation: 48 CFR Ch 20

Legal Deadline: None

Abstract: Proposed regulations to describe the method by which the U.S. Office of Personnel Management (OPM) implements and supplements the Federal Acquisition Regulation (FAR) for the Federal Employees' Group Life Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AE04

3666. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Alfred F. Chatterton III, Acting Chief, Acquisition Division, Office of Personnel Management, Administration Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5476

RIN: 3206–AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Final Rule Stage

3667. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Revisions in response to the requirements of E.O. 12600 regarding confidential commercial information and revisions to the description of the Index to Information to clearly reflect OPM's practices.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25120
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Reports and Forms Management Branch, Office of Information Management, Office of Personnel Management, Administration Group, 1900 E Street, NW., Washington, DC 20415, **202 632-0261**

RIN: 3206–AD83

3668. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	04/01/88	
NPRM	06/20/88	53 FR 23123
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James S. Green, Deputy General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW., Washington, DC 20415, **202 632-5087**

RIN: 3206–AB41

3669. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300, Subpart G

Legal Deadline: None

Abstract: We will issue a final rule delegating authority to agencies to determine whether a Federal job applicant's failure to register with the Selective Service System was knowing and willful. This change was authorized by an amendment to 5 USC 3328 which imposes the selective service registration requirement as a condition of employment in Federal executive agencies. The delegation will permit faster decisions for interested job seekers and reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15400
Final Action	09/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Career Entry and Employee Development Group, Office of Personnel Management, Staffing Policy Division, 1900 E Street, NW., Washington, DC 20415, **202 653-9407**

RIN: 3206–AD68

3670. EMPLOYMENT IN THE EXCEPTED SERVICE

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 302

Legal Deadline: None

Abstract: Regulations will respond to substantive issues raised during revision of Part 302 in FY 88: (1) distinction between candidates who should receive priority consideration for reemployment and other reemployment candidates (currently all are referred on same list); (2) delegation to agencies of authority to establish alternative ranking plans under 5 CFR 302.105.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37685
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E Street, NW., Washington, DC 20415, **202 632-6817**

RIN: 3206–AD73

3671. PAY UNDER THE GENERAL SCHEDULE; "HIGHEST PREVIOUS RATE"

Legal Authority: 5 USC 5334(a); 5 USC 5338

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Under current regulations, Federal agencies must request prior OPM approval to use a special rate as an employee's "highest previous rate" upon reassignment to another position. The proposed regulations would revise the "highest previous rate" provisions of the regulations to remove this requirement and to clarify an agency's authority to establish an employee's rate of basic pay upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13196
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Gatewood, Personnel Management Specialist, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E

Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD44

3672. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Current regulations contain obsolete references to certain DC government employees who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations will clarify leave coverage for DC government employees.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
NPRM	08/29/89	54 FR 35654
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Derby, Personnel Management Specialist, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1500 E Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AC47

3673. RETIREMENT; BANKRUPTCY JUDGES AND MAGISTRATES

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 841

Legal Deadline: None

Abstract: Interim regulations needed to implement Public Law 100-659, the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988. This Act establishes a new retirement system under title 28, United States Code, and requires coordination of benefits for judges with service under the Civil Service and Federal Employees Retirement Systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H.T. Newland, Jr., Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD86

3674. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, and T

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule -- Revised	09/08/86	51 FR 31927
Interim Final Rule-- Revised	05/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AB75

3675. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF L984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subpart Q

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of l984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act and provide procedures when there are competing claims from applicants for survivor benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule	09/08/86	51 FR 31927
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD48

3676. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AB35

3677. RETIREMENT; CREDITING PERSONAL SERVICE CONTRACT SERVICE

Legal Authority: 5 USC 8347

OPM

Final Rule Stage

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, provides qualifying employees and annuitants with an opportunity to credit certain service performed under the auspices of a personal services contract with a Federal agency. These regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/25/88	53 FR 42934
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD59

3678. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 842

Legal Deadline: None
New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System, alternative annuities for FERS retirees under section 6001 of Public Law 100-203, and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5560

RIN: 3206–AC94

3679. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/87	52 FR 4472
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Groupq, 1900 E Street, NW., Washington, DC 20415, 202 632-5560

RIN: 3206–AD65

3680. RETIREMENT; FEGLI; MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 8347; 5 USC 8424; 5 USC 8441; 5 USC 8442; 5 USC 8716

CFR Citation: 5 CFR 831, Subpart T; 5 CFR 843, Subpart B; 5 CFR 870, Subpart I; 5 CFR 873, Subpart F

Legal Deadline: None

Abstract: Regulations to amend CSRS, FERS and FEGLI to specify and make consistent the policy that only the federal employee or annuitant is eligible to make or change their designation of beneficiary. In addition, the regulations: (1) specify that certain retired judges are exempted from the reduction of Family Optional FEGLI, (2) provide for payment of CSRS, FERS and FEGLI proceeds to duly appointed representatives in so-called "Small Estate" cases, and (3) clarify the meaning of the term "final adjudication" in reference to date of receipt of the post retirement action form.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD84

3681. RETIREMENT; FERS COST-OF-LIVING ADJUSTMENTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart G

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provides basic rules for adding cost-of-living adjustment (COLA's) to annuities of FERS retirees and their survivors. These regulations implement and clarify these provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36799
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD62

3682. RETIREMENT; FERS—ANNUAL PAY COMPUTATION FOR LESS THAN FULL-TIME EMPLOYEES

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 843

Legal Deadline: None

Abstract: These regulations provide a methodology for computing the amount of the basic employee death benefit under the Federal Employees' Retirement System (FERS) Act of 1986

for employees whose tour of duty is less than full time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16535
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD63

3683. RETIREMENT; FERS DISABILITY BENEFITS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 844

Legal Deadline: None

Abstract: These regulations implement Subchapter V of chapter 84, the Federal Employees' Retirement System Act disability provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/88	53 FR 33433
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD61

3684. ● RETIREMENT; FERS COVERAGE ELECTIONS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 846

Legal Deadline: None

Abstract: Regulations to implement the provisions of the Federal Employees Retirement System Act of 1986, as amended, dealing with the election of Federal Employees Retirement System coverage by employees under the Civil Service Retirement System and certain other employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/87	52 FR 19235
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret J. Sears, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AE01

3685. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; ANNUAL RATES OF PAY FOR EMPLOYEES WHO WORK LESS THAN FULL TIME

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart C

Legal Deadline: None

Abstract: Regulations to establish a new method of arriving at annual rates of pay for life insurance purposes for employees on less than full-time schedules.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40232
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD50

3686. FEDERAL EMPLOYEES HEALTH BENEFITS FOR FORMER SPOUSES OF CIA AND FOREIGN SERVICE EMPLOYEES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to implement Sections 302 and 303 of the Intelligence Authorization Act of 1986 and Sections 831 and 832 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, by describing the conditions under which certain former spouses of Central Intelligence Agency and Foreign Service employees, and former spouses of former employees of those agencies, previously omitted from spouse equity legislation may enroll in the Federal Employees Health Benefits (FEHB) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/88	53 FR 45069
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD28

3687. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM/WITHDRAWAL OF CARRIER AND PLAN APPROVAL

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify OPM's minimum standards for a health plan's or carrier's participation in FEHB and OPM's right to withdraw approval, with due process.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7039
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD37

OPM

Final Rule Stage

3688. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) ENROLLMENT PROCESS FOR FEDERAL EMPLOYEES' RETIREMENT SYSTEM (FERS) RETIREES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify FEHBP enrollment process and "immediate annuity" for individuals eligible for a FERS annuity at the minimum retirement age with at least 10 years of service (MRA plus 10 provision).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/90	55 FR 993
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, **202 632-4634**

RIN: 3206–AD53

3689. ● REPEAL OF REDUCTION OF HEALTH BENEFITS PREMIUMS FOR MEDICARE ELIGIBLE INDIVIDUALS

Legal Authority: PL 101-234

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulation to implement Public Law 101-234, repealing the Medicare Catastrophic Coverage Act of 1988 and therefore repealing the reduced Federal Employees Health Benefits premiums for Medicare eligible individuals.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Leibach, Pay and Benefits Specialist, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E Street, NW., Washington, DC 20415, **202 632-4634**

RIN: 3206–AD94

3690. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; COVERAGE OF ANNUITANTS UPON PLAN TERMINATION

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to provide for continuing coverage under the Federal Employees Health Benefits Program for certain annuitants when the plan in which they are enrolled terminates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, **202 632-4634**

RIN: 3206–AD99

3691. DEBARMENTS, CIVIL MONETARY PENALTIES AND ASSESSMENTS IMPOSED ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF SERVICES OR SUPPLIES FOR CITED OFFENSES

Significance: Regulatory Program

Legal Authority: 5 USC 8913; PL 100-654

CFR Citation: 5 CFR 890, Subpart J

Legal Deadline: None

Abstract: Regulations to implement title I of Public Law 100-654, the "Federal Employees Health Benefits Amendments Act of 1988." Title I of Pub. L. 100-654 permits OPM to exclude from further participation in the FEHB Program any health care provider (1) convicted of fraud or various other cited examples of unethical professional conduct, or (2) determined by OPM to have committed various cited offenses against the FEHB Program. The above cited debarment authority is for an offense committed on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/89	54 FR 43939
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Ray, Pay and Benefits Specialist, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E Street, NW., Washington, DC 20415, **202 632-4634**

RIN: 3206–AD76

3692. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TEMPORARY CONTINUATION OF COVERAGE

Significance: Regulatory Program

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart K

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: Regulations to permit temporary continuation of health benefits coverage for certain employees, children, and former spouses who would otherwise lose coverage due to loss of covered appointment, loss of status as unmarried dependent child, or dissolution of marriage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/89	54 FR 52333
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E Street, NW., Washington, DC 20415, **202 632-4634**

RIN: 3206–AD66

3693. COMPUTER SECURITY TRAINING

Legal Authority: PL 100-235

CFR Citation: 5 CFR 930, Subpart C

OPM — Final Rule Stage

Legal Deadline: Final, Statutory, July 10, 1988.

Abstract: Regulations for government-wide training requirement in computer security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/88	53 FR 26562
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Loftis, Chief, Management and Oversight Division, Career Entry and Employee Development Group, Office of Personnel Management, 1121 Vermont Avenue, NW., P.O. Box 7559, Washington, DC 20044, 202 632-0255

RIN: 3206–AD43

3694. MODIFICATION OF FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION (FEHBAR) PROVISIONS AND CLAUSES

Significance: Regulatory Program

Legal Authority: 5 USC 8913; 40 USC 486(c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Proposed regulations to improve OPM's administration of the Federal Employees Health Benefits Program (FEHBP).

Timetable:

Action	Date	FR Cite
NPRM	10/20/89	54 FR 43089
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD78

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

3695. PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE

CFR Citation: 5 CFR 534

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 1353
Final Action Effective	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AD91

3696. GRADE AND PAY RETENTION

CFR Citation: 5 CFR 536

Completed:

Reason	Date	FR Cite
Final Action	12/12/89	54 FR 51009
Final Action Effective	01/11/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald J. Winstead 202 632-5056

RIN: 3206–AD45

3697. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Significance: Regulatory Program

CFR Citation: 5 CFR 550, Subpart G

Completed:

Reason	Date	FR Cite
Final Action	02/26/90	55 FR 6591
Final Action Effective	03/28/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Derby 202 632-5056

RIN: 3206–AC41

3698. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

CFR Citation: 5 CFR 581

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 1354
Final Action Effective	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker 202 632-5090

RIN: 3206–AB42

3699. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL—NONFOREIGN AREAS

Significance: Regulatory Program

CFR Citation: 5 CFR 591, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 1370
Final Action Effective	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry E. Shapiro 202 632-7471

RIN: 3206–AB34

3700. ABSENCE AND LEAVE; VOLUNTARY LEAVE TRANSFER PROGRAM

Significance: Regulatory Program

CFR Citation: 5 CFR 630

Completed:

Reason	Date	FR Cite
Final Action	12/28/89	54 FR 53305
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha Hoehn 202 632-5056

RIN: 3206–AD41

3701. ABSENCE AND LEAVE; VOLUNTARY LEAVE BANK PROGRAM

Significance: Regulatory Program

CFR Citation: 5 CFR 630

Completed:

Reason	Date	FR Cite
Final Action	12/28/89	54 FR 53305
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha Hoehn 202 632-5056

RIN: 3206–AD69

3702. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 5 CFR 735

Completed:

Reason	Date	FR Cite
Transferred to the Office of Government Ethics under RIN 3209-AA01	12/28/89	54 FR 53310

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Gressman 202 523-5757

RIN: 3206–AA93

3703. EMPLOYEE RESPONSIBILITIES AND CONDUCT

CFR Citation: 5 CFR 735

Completed:

Reason	Date	FR Cite
Transferred to the Office of Government Ethics under RIN 3209-AA04	12/28/89	54 FR 53310

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Wilcox 202 523-5757

RIN: 3206–AD90

3704. POST EMPLOYMENT CONFLICT OF INTEREST; 1988 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

CFR Citation: 5 CFR 737

Completed:

Reason	Date	FR Cite
Transferred to the Office of Government Ethics	12/05/89	54 FR 50229

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sid Smith 202 523-5757

RIN: 3206–AD72

3705. CORRECTIVE ACTION AND REPORTING REQUIREMENTS RELATING TO AGENCY ETHICS PROGRAMS

Significance: Regulatory Program

CFR Citation: 5 CFR 738; 5 CFR 735

Completed:

Reason	Date	FR Cite
Transferred to the Office of Government Ethics under RIN 3209-AA02	12/05/89	54 FR 50229

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Wilcox 202 523-5757

RIN: 3206–AD71

3706. HEALTH INSURANCE COVERAGE FOR CERTAIN TEMPORARY EMPLOYEES

Significance: Regulatory Program

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	12/28/89	54 FR 53311

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Leibach 202 632-4634

RIN: 3206–AD79

3707. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT AND DISCONTINUED PLAN ENROLLMENT CHANGES

CFR Citation: 5 CFR 890, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	01/19/90	55 FR 1781
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AB88

[FR Doc. 90-6990 Filed 04-20-90; 8:45 am]

BILLING CODE 6325-01-T

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Part XXXVI

Office of Special Counsel

Semiannual Regulatory Agenda

OFFICE OF SPECIAL COUNSEL (OSC)

OFFICE OF SPECIAL COUNSEL

5 CFR Ch. VIII

Regulatory Agenda

AGENCY: Office of Special Counsel.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Special Counsel (OSC) regulations are scheduled for review or development from April 1990 to March 1991. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Henry Darnell Lewis, (202) or FTS 653-8982.

Dated: March 22, 1990.

Mary F. Wieseman,

Special Counsel.

OFFICE OF SPECIAL COUNSEL (OSC) — Final Rule Stage

3708. ● IMPLEMENTATION OF THE WHISTLEBLOWER PROTECTION ACT

Significance: Agency Priority

Legal Authority: PL 101-12, Sec 3; 5 USC 552(a)(3); 5 USC 552(a)(4); 5 USC 552a(b)

CFR Citation: 5 CFR 1800.1; 5 CFR 1800.2; 5 CFR 1800.3; 5 CFR 1820.1; 5 CFR 1820.2; 5 CFR 1820.3; 5 CFR 1820.4; 5 CFR 1820.5; 5 CFR 1820.6; 5 CFR 1820.7; 5 CFR 1820.8; 5 CFR 1820.9; 5 CFR 1830.1; 5 CFR 1830.2; 5 CFR 1840.1; ...

Legal Deadline: None

Abstract: The Whistleblower Protection Act of 1989 establishes the Office of Special Counsel as an independent agency. Regulations are planned to implement the new law. Also, certain other regulations, such as those on the Freedom of Information Act and the Privacy Act, are being republished.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/89	54 FR 47341
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Henry Darnell Lewis, Attorney, Office of Special Counsel, Suite 1100, 1120 Vermont Ave., NW., Washington, DC 20005, 202 653-8982

RIN: 3255–AA00

[FR Doc. 90-6994 Filed 04-20-90; 8:45 am]

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Part XXXVII

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 90-03.

Dated: February 23, 1990.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

3709. RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 135

Legal Deadline: None

Abstract: In July 1982, 48 nations, representing more than 80 percent of world shipping, began implementing a new uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. Final implementation is scheduled for July 1994. The present Panama Canal measurement system is based upon the old national tonnage measurement system. The Panama Canal Commission is currently studying the possibility of adapting its tonnage measurement system to one which is compatible with the 1969 Convention. This would eliminate the need for vessels to be measured twice, once under the new system and again under the old system for Panama Canal assessment purposes. While no timetable for rulemaking has been established, tentative plans are to target any possible change to the Panama Canal measurement rules to the July 1994 final implementation of the 1969 Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA23

3710. ● ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF RECORDS

Significance: Agency Priority

Legal Authority: EO 12600; 5 USC 552; 22 USC 3611

CFR Citation: 35 CFR 9 (Revision)

Legal Deadline: None

Abstract: This proposed rule will implement the procedural requirements of Executive Order 12600 of June 23, 1987, governing the disclosure to the public of information that may be of a commercially confidential nature.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA27

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

3711. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 22 USC 3622

CFR Citation: 35 CFR 255, (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Ethics in Government Act, the Commission's Code of Conduct as approved by its Board of Directors, and supplementary regulations that clarify certain provisions of the Code of Conduct.

PANAMA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, 202 634-6441

RIN: 3207–AA16

3712. ● DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 111.3(m) (New); 35 CFR 113.28 (Revision); 35 CFR 113.29(c) (Revision); 35 CFR 113.43(c) (Revision); 35 CFR 113.45 (Revision); 35 CFR 113.50(d) (Revision); 35 CFR 123.4(a) (Revision); 35 CFR 123.4(b) (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission is proposing to make minor technical changes and clarifications, including additional definitions of terms.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William Y. Clark II, Special Assistant to Marine Director, Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA26

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3713. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

CFR Citation: 48 CFR Chapter 35, (New)

Completed:

Reason	Date	FR Cite
Final Action	03/02/90	55 FR 7634
Final Action Effective	03/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Haines, Jr. 202 634-6441

RIN: 3207–AA10

3714. INSPECTION AND REGISTRATION OF VESSELS

Significance: Agency Priority

CFR Citation: 35 CFR 121.2, (Revision); 35 CFR 121.3, (Revision); 35 CFR 121.41, (Revision); 35 CFR 121.43, (Revision); 35 CFR 121.45, (Revision); 35 CFR 121.47, (Revision); 35 CFR 121.58(a)(b), (Revision); 35 CFR 121.63, (Revision); 35 CFR 121.65(a)(b), (Revision); 35 CFR 121.66, (Revision); 35 CFR 121.67, (Revision); 35 CFR 121.68, (Revision); 35 CFR 121.69, (Revision); 35 CFR 121.70, (Revision); 35 CFR 121.71, (Revision); ...

Completed:

Reason	Date	FR Cite
Final Action	09/21/89	54 FR 37326
Final Action Effective	10/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William Y. Clark II 202 634-6441

RIN: 3207–AA18

3715. DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

CFR Citation: 35 CFR 113.3(a), (Revision); 35 CFR 113.4(a), (Revision); 35 CFR 113.5, (Revision); 35 CFR 113.21, (Revision); 35 CFR 113.22, (Revision); 35 CFR 113.26(a), (Revision); 35 CFR 113.29(b), (Revision); 35 CFR 113.29(c), (Revision); 35 CFR 113.42, (Revision); 35 CFR 113.43(c), (Revision); 35 CFR 113.45, (Revision); 35 CFR 113.49(b)(c), (Revision); 35 CFR 113.50(c)(e)(1)(2), (Revision); 35 CFR 123.4(a), (Revision)

Completed:

Reason	Date	FR Cite
Final Action	09/08/89	54 FR 37326
Final Action Effective	10/10/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William Y. Clark II 202 634-6441

RIN: 3207–AA19

3716. ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

Significance: Agency Priority

CFR Citation: 35 CFR 101.10(e), (Revision); 35 CFR 101.10(f), (Revision)

Completed:

Reason	Date	FR Cite
Final Action	09/08/89	54 FR 37326
Final Action Effective	10/10/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William Y. Clark II 202 634-6441

RIN: 3207–AA20

3717. VESSELS CARRYING DANGEROUS CARGOES IN BULK: PROHIBITED CARGOES

Significance: Agency Priority

CFR Citation: 35 CFR 113.29

Completed:

Reason	Date	FR Cite
Final Action	09/08/89	54 FR 37326
Final Action Effective	10/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William Y. Clark II 202 634-6441

RIN: 3207–AA22

3718. ● REQUIREMENTS OF TRANSITING VESSELS AND THEIR MEASUREMENT

Significance: Agency Priority

Legal Authority: EO 12215, 45 FR 36043; 44 USC 3501; 28 USC 3811

CFR Citation: 35 CFR 103; 35 CFR 133

Legal Deadline: None

Abstract: Title 35 Parts 103 and 133 were amended: (1) to more accurately reflect treaty-mandated changes concerning authority over transiting vessels; (2) to require new pilot shelter platforms; and (3) to clearly identify those officials who are authorized to measure and certify the tonnage of vessels.

Timetable:

Action	Date	FR Cite
Final Action	10/30/89	54 FR 43962
Final Action Effective	11/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA24

3719. ● LICENSING OF OFFICERS

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215, 45 FR 36043

CFR Citation: 35 CFR 119.221 (Revision); 35 CFR 119.223 (Revision); 35 CFR 119.226 (New)

Legal Deadline: None

Abstract: The Panama Canal Commission is revising Subpart F "Engineers" of Part 119, Title 35 Code of Federal Regulations, to create a new license for the position of Assistant Engineer (watch standing). Other sections of the subpart are revised where appropriate. This change reflects the agency's desire to bring the licensing program more into line with the functions actually needed to be performed by certain marine personnel employed by the Panama Canal Commission. Essentially, the towboats, with an engine room electronic monitoring system presently manned by a Panama Canal oiler, will be manned on each operational watch by an assistant engineer (watch standing), towboats without an engine room electronic monitoring system are presently manned by Panama Canal Chief Engineers on each watch; however, as the chief engineer positions are reduced by attrition, they will be replaced by assistant engineers (watch standing).

Timetable:

Action	Date	FR Cite
Final Action	02/12/90	55 FR 4837
Final Action Effective	02/12/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. George T. Hull, Marine Director, Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA25

[FR Doc. 90-5957 Filed 04-20-90; 8:45 am]

BILLING CODE 3640-04-T

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Part XXXVIII

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from April 1, 1990, to March 31, 1991. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 1990 K Street NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register's** semiannual regulatory agendas in April and October of each year. The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Dated: February 22, 1990.

Collins Reynolds,

Associate Director for Management.

PEACE CORPS (PEACE) — Proposed Rule Stage

3720. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504—HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 USC 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Scales, General Counsel, Peace Corps, 1990 K Street, NW., Room 8302, Washington, DC 20526, 202 254-3114

RIN: 0420–AA03

PEACE CORPS (PEACE) — Completed Actions

3721. DISCRIMINATION COMPLAINT PROCEDURES

CFR Citation: 22 CFR 306

Completed:

Reason	Date	FR Cite
Deleted internal regulation for Peace Corps Volunteers only.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orinda R. Nelson 202 254-7526

RIN: 0420–AA02

[FR Doc. 90-5958 Filed 04-20-90; 8:45 am]

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Part XXXIX

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation (PADC).

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue NW., Washington, DC 20004, (202) 724-9088.

Dated: March 12, 1990.

M. J. Brodie,

Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3722. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

3723. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its development policies and procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW., Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208–AA06

[FR Doc. 90-6991 Filed 04-20-90; 8:45 am]

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Part XL

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation (PBGC).

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next 12 months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Senior Counsel, Office of the General Counsel, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive order requires that the agenda also include those currently effective regulations that are being reviewed by the Agency pursuant to the Executive order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 90-03) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3724. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/91	
NPRM Comment Period End	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, **202 778-8850**

RIN: 1212–AA38

3725. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review. Subsequent to issuance of its October 1989 regulatory agenda, the PBGC has decided to reduce the scope of this regulation. As originally conceived, the regulation was to include all rules and procedures with respect to payment of benefits in trusteed plans, so that it would be the single source for members of the public for all questions dealing with PBGC benefit payment. Thus, a many of the provisions in the regulation

were included only for the sake of completeness and not because they were matters required by law to be issued in a regulation. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Interim Final Rule	04/00/91	
NPRM Comment Period End	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The PBGC has now concluded that the provisions (most of which are procedural in nature) can be written in a manner that would be more easily understood by plan participants and beneficiaries if they were removed from the regulation and its various legal structural and stylistic requirements. Accordingly, work on this regulation has been delayed while PBGC staff identify those provisions that can be dropped from the regulation and decide on how best to convey this material to the public, e.g., pamphlets or form letters to be distributed to retirees and other participants when PBGC trustees a plan.

Therefore, the proposed regulation that will be issued will be much narrower in scope, dealing only with those matters on which public rulemaking is required or appropriate.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA35

3726. PAYMENTS BY PBGC OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322(c) (Supp. V 1987)

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The Pension Protection Act repealed ERISA section 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries, amended ERISA section 4022(c).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
NPRM Comment Period End	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA54

3727. RETIREMENT EQUITY ACT AMENDMENTS - VALUATION OF PLAN BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341 (Supp. V 1987)

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement- type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR Part 2619). The major changes will address the rules on determining the form of benefit to be valued on plan termination and the interest rate rules for lump sum payments in standard terminations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	01/00/91	
Interim Final Rule	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8824

RIN: 1212–AA55

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Final Rule Stage

3728 REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8824

RIN: 1212–AA22

3729. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan. This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8824

RIN: 1212–AA37

3730. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

PBGC — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43082
NPRM Comment Period End	01/08/88	
Final Action	11/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. Charles Vernon, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8822

RIN: 1212–AA39

3731. ● NOTICE OF UNPAID CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1082(f)

CFR Citation: 29 CFR 2615

Legal Deadline: None

Abstract: As part of its pension plan funding reforms, the Omnibus Budget Reconciliation Act of 1987 amended Section 302 of the Employee Retirement Income Security Act of 1974, as amended (ERISA) and Section 412 of the Internal Revenue Code of 1986 (IRS) to give a pension plan a lien for missed contributions. The lien, which is against the assets of the contributing sponsor (and all members of the contributing sponsor's controlled group) if the sponsor fails to make required contributions and the total of missed contri utions and interest thereon exceeds $1 million (ERISA Section 302(f), IRC Section 412(n)). The lien arises on the 60th day following the due date of the missed contribution. This lien may be perfected and enforced only by the Pension Benefit Guaranty Corporation (PBGC) (or, at its direction, by the contributing sponsor). In order to enable the PBGC to carry out this function, the law requires a contributing sponsor that is subject to the lien to notify the PBGC within 10 days after the due date of an unpaid contribution. The law does not, however, specify the contents of this notice. This regulation will establish the contents of the notice.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Judith Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, 2020 K St., NW., Washington, DC 20006, 202 778-8823

RIN: 1212–AA56

3732. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c) (Supp. V 1987)

CFR Citation: 29 CFR 2616

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, a plan may voluntarily terminate only if the termination satisfies the statutory conditions for a standard or distress termination. These rules were further modified by the 1987 Pension Protection Act, which increased the benefits that must be provided, or for which the employer maintaining the plan is liable, upon plan termination. Thus, under current law, unless a plan has sufficient assets to satisfy all plan benefit liabilities, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and all members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, they are unable to continue to maintain the plan. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA41

3733. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(b) (Supp. V 1987); 29 USC 1344 (Supp. V 1987)

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under ERISA Section 4041, as amended by the Single-Employer Pension Plan Amendments Act of 1986 and the Pension Protection Act, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan may be voluntarily terminated

only if it is sufficient for all benefit liabilities (i.e., all benefits provided under the plan on the termination date, whether or not vested). This is referred to as a "standard" termination. SEPPAA also modified many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing the new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA47

3734. MISCELLANEOUS SEPPAA/PPA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1341 to 1344 (Supp. V 1987); 29 USC 1362 to 1364 (Supp. V 1987); 29 USC 1367 to 1368 (Supp. V 1987)

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to the current law. For example, because SEPPAA altered the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contained, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA and the PPA significantly changed the rules on employer liability to the PBGC in distress and involuntary terminations. Now, an employer is liable to the PBGC for the total plan underfunding, (cont)

Timetable:

Action	Date	FR Cite
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: i.e., for all unfunded benefit liabilities. Further, the 30 percent of net worth limitation is now relevant only in determining the amount subject to PBGC's statutory lien and the status of PBGC's claim in bankruptcy. The employer liability regulation needs to be amended to reflect these changes.

Agency Contact: Ms. Judith Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA50

PENSION BENEFIT GUARANTY CORPORATION (PBGC) Completed Actions

3735. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite
Withdrawn (See Additional Information for description)	03/09/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The PBGC is canceling this project in order to devote staff resources to more important regulatory projects and in recognition of the fact that there has been little expression of public interest in this project. This project will be re-scheduled in the future.

Agency Contact: Mr. J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8850

RIN: 1212–AA20

PBGC

Completed Actions

3736. EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364 (Supp. V 1987); 29 USC 1367 to 1368 (Supp. V 1987)

CFR Citation: 29 CFR 2622

Legal Deadline: None

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

Timetable:

Action	Date	FR Cite
Withdrawn (See Additional Information for description)	03/09/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The PBGC has determined that this project is unnecessary. For this reason, and because there has been no expression of public interest in this rulemaking, the PBGC is canceling it.

Agency Contact: Ms. Therese Cleary, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW., Washington, DC 20006, 202 778-8823

RIN: 1212–AA48

[FR Doc. 90-6992 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLI

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: February 28, 1990.
By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3737	Eligibility for an Annuity	3220-AA15
3738	Recovery of Overpayments	3220-AA44
3739	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3740	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
3741	Survivor Annuity Computations	3220-AA59
3742	Social Security Overall Minimum	3220-AA60
3743	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3744	Medicare	3220-AA64
3745	Exhaustion of Rights to Benefits	3220-AA67
3746	Remuneration	3220-AA68
3747	Railroad Employers' Reports and Responsibilities; Lump-Sum Payments	3220-AA69
3748	Qualified Employee	3220-AA71
3749	Monthly Compensation Base	3220-AA72
3750	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from Such Determinations	3220-AA73
3751	Voluntary Quit	3220-AA75
3752	Employers' Contributions and Contribution Reports	3220-AA79
3753	Determination of Daily Benefit Rates	3220-AA82
3754	Incompetence	3220-AA83
3755	Nongovernmental Plans for Unemployment and Sickness Benefits	3220-AA84

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3756	Determining Disability	3220-AA01
3757	Employees Under the Railroad Retirement Act	3220-AA52
3758	Military Service	3220-AA70
3759	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals From Such Determinations; Recovery of Benefits	3220-AA77

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3760	Sickness Benefits	3220-AA45
3761	General Administration; Miscellaneous	3220-AA56
3762	Family Relationships	3220-AA57
3763	Available for Work	3220-AA65

RRB

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3764	Mileage or Work Restrictions and Stand-By or Lay-Over Rules	3220-AA76

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3737. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA15

3738. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments must be recovered under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA44

3739. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not been updated in recent years and may, in some respects, be obsolete. Parts 202 and 30l are being amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA51

3740. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA58

3741. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA59

3742. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 229 to describe when the Social Security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA60

3743. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA61

3744. MEDICARE

Legal Authority: 45 USC 231f(d)

CFR Citation: 20 CFR 238

Legal Deadline: None

Abstract: The Board proposes to add this part to explain its role in the administration of Medicare benefits to qualified railroad retirement beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA64

3745. EXHAUSTION OF RIGHTS TO BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 336

Legal Deadline: None

Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA67

3746. REMUNERATION

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 322

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 322 of its regulations under the Railroad Unemployment Insurance Act to remove obsolete language and to clarify the meaning of remuneration in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA68

3747. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES; LUMP-SUM PAYMENTS

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 200; 20 CFR 209; 20 CFR 234

Legal Deadline: None

Abstract: Provides for payment of a new lump-sum benefit as authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA69

3748. QUALIFIED EMPLOYEE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 302

Legal Deadline: None

Abstract: This new Part explains how an individual qualifies for benefits under the Railroad Unemployment Insurance Act. (In the October 1989 agenda this part was identified as 20 CFR 317.)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA71

3749. MONTHLY COMPENSATION BASE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 318

Legal Deadline: None

Abstract: This new Part will explain how the monthly compensation base is computed under the Railroad Unemployment Insurance Act and its effect on benefits under that statute.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA72

3750. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 320

Legal Deadline: None

Abstract: Part 320 is being revised to provide for employer intervention rights provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA73

3751. VOLUNTARY QUIT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 328

Legal Deadline: None

Abstract: A new Part 328 is being added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA75

3752. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Part 345 is being revised to reflect experience rating as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, P.L. 100-647.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA79

3753. DETERMINATION OF DAILY BENEFIT RATES

Legal Authority: 45 USC 362(i); 45 USC 362(l)

CFR Citation: 20 CFR 330

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 330 of its regulations under the Railroad Unemployment Insurance Act. Part 330 sets forth the Board's procedures for computing (1) an employee's daily benefit rate for a given benefit year, and (2) the maximum daily benefit rate authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Walter P. Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220–AA82

3754. ● INCOMPETENCE

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 266

Legal Deadline: None

Abstract: Part 266 is being revised to more clearly delineate the accounting requirements imposed upon representative payees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA83

3755. ● NONGOVERNMENTAL PLANS FOR UNEMPLOYMENT AND SICKNESS BENEFITS

Legal Authority: 45 USC 351(j); 45 USC 362(l)

CFR Citation: 20 CFR 323

Legal Deadline: None

Abstract: Adds a new part which explains when an employer-financed plan or policy to provide for supplemental unemployment or sickness benefits qualifies as a nongovernmental plan under the Railroad Unemployment Insurance Act.

RRB — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA84

RAILROAD RETIREMENT BOARD (RRB) — Final Rule Stage

3756. DETERMINING DISABILITY

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220; 20 CFR 208; 20 CFR 230; 20 CFR 260

Legal Deadline: None

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. As revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32164
NPRM Comment Period End	10/03/89	54 FR 32164
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Grace Koester, Regulations Project Director, Bureau of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220–AA01

3757. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 is being amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	54 FR 318
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA52

3758. MILITARY SERVICE

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 212

Legal Deadline: None

Abstract: Adds additional period for which military service is creditable under the Railroad Retirement Act as provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47220
NPRM Comment Period End	12/13/89	54 FR 47220
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA70

3759. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS; RECOVERY OF BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 320; 20 CFR 340

Legal Deadline: None

Abstract: Parts 320 and 340 are being revised to further define when waiver of an overpayment will be required under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/20/89	54 FR 25877
NPRM Comment Period End	07/20/89	54 FR 25877
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA77

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

3760. SICKNESS BENEFITS

CFR Citation: 20 CFR 335

Completed:

Reason	Date	FR Cite
Final Action	10/20/89	54 FR 43057
Final Action Effective	10/20/89	54 FR 43057

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Witkovich 312 751-4750

RIN: 3220–AA45

3761. GENERAL ADMINISTRATION; MISCELLANEOUS

CFR Citation: 20 CFR 200; 20 CFR 262

Completed:

Reason	Date	FR Cite
Final Action	10/20/89	54 FR 43054
Final Action Effective	10/20/89	54 FR 43054

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA56

3762. FAMILY RELATIONSHIPS

CFR Citation: 20 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	10/19/89	54 FR 42949
Final Action Effective	10/19/89	54 FR 42949

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA57

3763. AVAILABLE FOR WORK

CFR Citation: 20 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	01/19/90	55 FR 1810
Final Action Effective	01/19/90	55 FR 1810

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA65

3764. MILEAGE OR WORK RESTRICTIONS AND STAND-BY OR LAY-OVER RULES

CFR Citation: 20 CFR 332

Completed:

Reason	Date	FR Cite
Final Action	01/19/90	55 FR 1812
Final Action Effective	01/19/90	55 FR 1812

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA76

[FR Doc. 90-5959 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLII

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435; telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service regulations appear in 32 CFR Chapter XVI.

Dated: February 2, 1990.

Samuel K. Lessey, Jr.,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

3765. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC app 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW., Washington, DC 20435, 202 724-1167

RIN: 3240–AA01

[FR Doc. 90-5960 Filed 04-20-90; 8:45 am]

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Monday
April 23, 1990

Part XLIII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 22nd semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Public Law 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street NW., Washington, DC 20416, 202/653-6573.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the 6-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: February 26, 1990.

Susan Engeleiter,

Administrator.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3766	Policies of General Application	3245-AC00
3767	Certified Development Company Debenture Guarantees	3245-AC04

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3768	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3769	Small Business Investment Companies	3245-AB29
3770	Loans to State and Local Development Companies	3245-AB35
3771	Nondiscrimination in Federally Assisted Programs	3245-AB36
3772	Nondiscrimination in Financial Assistance Programs	3245-AB37
3773	User Fees for SBA Programs	3245-AB44
3774	Procurement: Subcontracting Limitations	3245-AB62
3775	Accrual of Interest Payable by SBA in Secondary Market	3245-AB69
3776	Small Business Size Regulation	3245-AB88
3777	Homestead Protection for Farmers	3245-AB91
3778	Breakout procurement center representative program	3245-AC01
3779	Small Business Size Standards; SIC Major Groups 20, 32, 33, 49, 52, 53, 70, 72, and 75	3245-AC02
3780	Loans to State and Local Development Companies	3245-AC03
3781	Business Loan Policy	3245-AC05
3782	Minority Small Business and Capital Ownership Development Program	3245-AC06

SBA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3783	Certificate of Competency	3245-AA74
3784	Regulations Applying Small Business Size Standards	3245-AA84
3785	Small Business Investment Companies	3245-AB12
3786	Small Business Development Centers	3245-AB17
3787	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110	3245-AB67
3788	Surety Bond Guarantee	3245-AB77
3789	Small Business Size Regulations	3245-AB87
3790	State and Local Development Companies	3245-AB90
3791	Small Business Size Standards for Natural Gas Distribution	3245-AB94
3792	Disaster Loans	3245-AB97
3793	Business and Disaster Loans	3245-AB99
3794	Governmentwide Restrictions on Lobbying	3245-AC07

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3795	Small Business Institutes - Counseling Fees	3245-AB32
3796	Small Business Size Standards: Residual Size Standards	3245-AB57
3797	Business Loans	3245-AB81
3798	Business Loan Policy	3245-AB84
3799	Business Loan Policy	3245-AB85
3800	Business Loan Policy	3245-AB86

SMALL BUSINESS ADMINISTRATION (SBA) — Prerule Stage

3766. ● POLICIES OF GENERAL APPLICATION

Significance: Agency Priority

Legal Authority: PL 100-707, Sec 204

CFR Citation: 13 CFR 116

Legal Deadline: None

Abstract: This rule implements the Great Lakes Coastal Barrier Act of 1988, Section 204 of Pub. L. 100-707, approved November 23, 1988 (102 Stat. 4718), by adding to the coastal barrier areas in which SBA financial assistance is prohibited, the coastal barrier areas of the Great Lakes under United States jurisdiction.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for Finance, and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, 202 653-6574

RIN: 3245–AC00

3767. ● CERTIFIED DEVELOPMENT COMPANY DEBENTURE GUARANTEES

Significance: Agency Priority

Legal Authority: PL 85-536, Sec 4; 15 USC 633 and 634, as amended; PL 85-699, Sec 308; 15 USC 687, as amended; PL 93-386, Sec 5(b)(11); 5 USC 552; PL 85-536, Sec 5

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: This regulation increases the overall project size allowable under delegation of authority from $1.5 million to $2 million.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW., Washington, DC, 202 653-6416

RIN: 3245–AC04

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

3768. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Establishment of new system of periodic compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Peyser, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW., Room 1018, Washington, DC 20416, **202 653-6370**

RIN: 3245–AB07

3769. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Major revision to Part 107 of title 13 governing Small Business Investment Companies. The regulation will cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for Section 301(d) SBICs, definition of small business concern , control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest provisions, redemptions, commitments, the purchase, sale or guarantee of securities evidencing leverage, and the filing of SBA Form 468.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director Office of Investment, Small Busines Administration, 1441 L Street, NW., Room 808, Washington, DC 20416, **202 653-6584**

RIN: 3245–AB29

3770. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Complete revision of the Section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW., Room 720, Washington, DC 20416, **202 653-6416**

RIN: 3245–AB35

3771. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, NW., Room 501, Washington, DC 20416, **202 653-6050**

RIN: 3245–AB36

3772. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681, et seq; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, NW., Room 501, Washington, DC 20416, **202 653-6050**

RIN: 3245–AB37

3773. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC app 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and

application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SBA will not publish a final rule on user fees prior to October 1990. The promulgation of regulations pertaining to user fees will be assessed in fiscal year 1991.

Agency Contact: Ramona Powell, Attorney Adviser, Small Business Administration, 1441 L Street, NW., Room 722, Washington, DC 20416, 202 653-6437

RIN: 3245–AB44

3774. PROCUREMENT: SUBCONTRACTING LIMITATIONS

Legal Authority: PL 99-591; PL 99-661; 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Guidelines for application of subcontracting limitations imposed by Public Laws 99-591 and 99-661.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB62

3775. ACCRUAL OF INTEREST PAYABLE BY SBA IN SECONDARY MARKET

Legal Authority: 15 USC 634(f); 15 USC 634(g); 15 USC 634(h); 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: The proposed regulation would spell out the process of calculating accrued interest payable by SBA to an investor. The payment by SBA is triggered by a borrower defaulting on an SBA guaranteed loan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator, for Financial Assistance, Small Business Administration, 1441 L Street, NW., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB69

3776. SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: Rule to establish procedures for requesting/granting waivers to the nonmanufacturers rule when there are no small business manufacturers in the Federal market.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB88

3777. HOMESTEAD PROTECTION FOR FARMERS

Legal Authority: 7 USC 2000; 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Amendments to 13 CFR 120 necessitated by amendments to 7 USC 2000 which provide exemptions from foreclosure to farmers on qualified homestead property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/90	55 FR 5998
NPRM Comment Period End	04/23/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Earl Chambers, Director, Office of Portfolio Management, Small Business Administration, 1441 L Street, NW., Room 816, Washington, DC 20416, 202 653-6360

RIN: 3245–AB91

3778. ● BREAKOUT PROCUREMENT CENTER REPRESENTATIVE PROGRAM

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); 15 USC 637; 15 USC 643; PL 98-577; PL 100-590

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: These regulations would implement the passage of the Small Business and Federal Procurement Competition Enhancement Act of 1984, which authorized the placement of Small Business Administration (SBA) Breakout Procurement Center Representatives (BPCRs) at major procurement centers and the Small Business Administration Reauthorization and Amendment Act of 1988, which further expanded the authority of such personnel. The purpose of these proposed regulations is to advise Government personnel of the division of responsibilities that must be performed to implement the law. The current regulations in 13 CFR Part 125-6, Government Prime Act Contracts Assistance, addresses only one portion of the procurement center representatives (PCR) program as it relates to those PCRs known as Traditional PCRs. This group of individuals is basically responsible for the small business set-aside program versus the mandate to BPCRs to breakout acquisitions for full and open competition. The Federal Acquisition Regulations contain basic regulations for the breakout (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: program. SBA's regulation should reflect all of their program areas. This proposed rule will correct this void.

Agency Contact: Roy Rodgers, Director, Office of Prime Contracts, Small Business Administration, 1441 L Street, NW., Washington, DC20416, **202 653-6826**

RIN: 3245–AC01

3779. ● SMALL BUSINESS SIZE STANDARDS; SIC MAJOR GROUPS 20, 32, 33, 49, 52, 53, 70, 72, AND 75

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: A review of size standards for industries within the major groups listed above may lead to a revision of size standards in one or more industries in order to achieve a more equitable relationship among industry size standards within each major group.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/90	
Comment Period End		
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, **202 653-6373**

RIN: 3245–AC02

3780. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697; 15 USC 697a; 15 USC 697b; 15 USC 697c; PL 100-590

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Clarification of conflict of interest rule and to require 503 companies to attend SBA sponsored meetings in order to continue in good standing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, **202 653-6416**

RIN: 3245–AC03

3781. ● BUSINESS LOAN POLICY

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: The Small Business Administration (SBA) does not guarantee a loan to a close relative of designated persons. Under this proposed rule, SBA would clarify that such close relative would be ineligible regardless of whether he or she was a member of the household of such designated person.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 15952

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for Finance, and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, **202 653-6574**

RIN: 3245–AC05

3782. ● MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

Significance: Agency Priority

Legal Authority: PL 100-656

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: SBA will be promulgating proposed regulations relating to the 8(a) program to further enhance the availability of program benefits and streamline program administration. The revisions will address three areas. The first revision, in the area of program eligibility, will provide more flexibility in evaluating applicants wishing to participate in the 8(a) program. Second, SBA plans to adjust its regulations dealing with the administration of competition within the 8(a) program. Finally, SBA intends to revise its regulations pertaining to certain business development aspects of the 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Erline Patrick, Associate Administrator for Minority Small, Business and Capital Ownership Development, Small Business Administration, 1441 L Street, NW., Washington, DC, **202 653-6407**

RIN: 3245–AC06

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

3783. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to Certificate of Competency regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22015
NPRM Comment Period End	08/12/88	
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for Procurement Assistance, Small Business Administration, 1441 L Street, NW., Room 600, Washington, DC 20416, 202 653-6582

RIN: 3245–AA74

3784. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32870
NPRM Comment Period End	10/30/87	
Final Action	12/21/89	54 FR 52634

Sections 121.403 and 121.1202(a)

Interim Final Rule 12/21/89 (54 FR 52634)

Final Action 06/00/90

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW., Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245–AA84

3785. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Other, Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW., Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245–AB12

3786. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	01/27/87	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1990 (PL 101-162) prohibits the Small Business Administration from using appropriated funds to adopt or implement any rules or regulations for the Small Business Development Center program. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 91 Appropriations legislation.

Agency Contact: Janice Wolfe, Associate Administrator for Small, Business Development Centers, Small Business Administration, 1441 L Street, NW., Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245–AB17

3787. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	12/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, NW., Room 722, Washington, DC 20416, 202 653-6573

RIN: 3245–AB67

3788. SURETY BOND GUARANTEE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 687(c); 15 USC 694(d); PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: Final, Statutory, May 2, 1989.

Abstract: This regulation implements changes necessitated by the Preferred Surety Bond Guarantee Program Act of 1988, Title II of Pub. L. 100-590. That law authorizes SBA to appoint selected companies meeting its criteria to affix SBA's guarantee to their bonds for qualifying small concerns without further SBA approval. This program is designed to bring the larger, so-called

standard surety firms into the SBA program and to improve access to surety bonds for small and small disadvantaged business concerns.

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	
Interim Final Rule	11/09/90	54 FR 47166

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Tallon, Acting Director, Office of Surety Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, VA 22203, 703 235-2900

RIN: 3245–AB77

3789. SMALL BUSINESS SIZE REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); PL 100-590

CFR Citation: 13 CFR 121

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, May 3, 1989.

Abstract: The rule would clarify the eligibility of nonprofit organizations operated for the benefit of the blind and severely handicapped for Federal procurements restricted to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	
Interim Final Rule	01/31/90	55 FR 3201
Final Action	04/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB87

3790. STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: PL 100-590

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This regulation defines "rural" areas pursuant to PL 100-590. Further, the deposit required on loan applications is increased and self-dealing by borrowers is prohibited. Alter ego leases are permitted to be divided into an initial period plus options to save recordation fees for long-term leases. Finally, certified development companies are permitted to be compensated for work performed.

Timetable:

Action	Date	FR Cite
NPRM	09/14/89	54 FR 37945
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Financial Analyst, Office of Economic Development, Small Business Administration, 1441 L Street, NW., Room 720-A, Washington, DC 20416, 202 653-6416

RIN: 3245–AB90

3791. SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: SBA is imposing a size standard of 500 employees for a new 8(a) program for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/25/88	53 FR 47663
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB94

3792. DISASTER LOANS

Legal Authority: PL 100-590; 15 USC 634(b)(6)

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Amend disaster loan regulations to incorporate the amendments made by Pl 100-590 and certain other changes, including dropping the Real Estate Settlement Procedures Act (RESPA) requirements pursuant to an exemption, clarifying certain portions of the regulations, and eliminating the requirement for disaster victims seeking State grants to first obtain a certificate of ineligibility from SBA.

Timetable:

Action	Date	FR Cite
NPRM	12/22/89	54 FR 52820
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Bernard Kulik, Deputy Associate Administrator for, Disaster Assistance, Small Business Administration, 1441 L Street, NW., Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245–AB97

3793. BUSINESS AND DISASTER LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); 15 USC 636(h); PL 100-590; 31 USC 3717(e)

CFR Citation: 13 CFR 120; 13 CFR 123

Legal Deadline: None

Abstract: This rule would allow SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35499
NPRM Comment Period End	09/27/89	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business

SBA — Final Rule Stage

Administration, 1441 L Street, NW., Washington, DC 20416, **202 653-6574**

RIN: 3245–AB99

3794. ● GOVERNMENTWIDE RESTRICTIONS ON LOBBYING

Legal Authority: PL 101-121, Sec 319; 15 USC 634(b)(6)

CFR Citation: 13 CFR 146

Legal Deadline: NPRM, Statutory, December 23, 1989.
OMB published a government-wide interim final guidance on this subject December 20, 1989. 54 FR 52305, thereby meeting the statutory deadline.

Abstract: Section 319 of Pub. L. 101-121 generally prohibits recipients of Federal contracts, grants or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose. This Office of Management and Budget crafted common rule will implement this law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736
Final Action	12/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Office of General Counsel, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, **202 653-6573**

RIN: 3245–AC07

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

3795. SMALL BUSINESS INSTITUTES - COUNSELING FEES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: User fees for training (management and/or technical) conducted by SBA cosponsors under the Small Business Act.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) prohibits SBA from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: John Cox, Associate Administrator for Business, Development, Small Business Administration, 1441 L Street, NW., Room 317, Washington, DC 20416, **202 653-6881**

RIN: 3245–AB32

3796. SMALL BUSINESS SIZE STANDARDS: RESIDUAL SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for industries for which no size standard has been previously established.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6298
NPRM Comment Period End	03/13/89	
Final Action	11/20/89	54 FR 47968

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Room 601, Washington, DC 20416, **202 653-6373**

RIN: 3245–AB57

3797. BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); PL 100-590

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: This regulation implements statutory changes contained in the Small Business Administration Reauthorization Act (PL 100-590) which authorizes SBA to guaranty loans of up to $1,000,000 to finance pollution control facilities.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18300
ANPRM Comment Period End	05/30/89	
Final Action	09/27/89	54 FR 39519
Final Action Effective	09/27/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Everett Shell, Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW., Room 804, Washington, DC 20416, **202 653-6470**

RIN: 3245–AB81

3798. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation is designed to implement a limit, by SBA, in its guaranty of a Preferred Lenders

Program loan to no more than 5 percentage points below the percent guaranteed for other loans. The regulation would also limit the Preferred Lenders Program to loans over $155,000, and would prohibit preferred lenders from selling all or part of the unguaranteed portion of the loan.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 15952
NPRM Comment Period End	06/19/89	
Final Action	01/22/90	55 FR 2049
Final Action Effective	01/22/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business Administration, 1441 L Street, NW., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB84

3799. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation implements a provision of the Small Business Administration Reauthorization Act (PL 100-590) which establishes a certified lenders program.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18529
NPRM Comment Period End	05/31/89	
Final Action	09/27/89	54 FR 39517
Final Action Effective	09/27/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business Administration, 1441 L Street, NW., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB85

3800. BUSINESS LOAN POLICY

Legal Authority: 15 USC 636; PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed rule would implement a provision of the Small Business Administration Reauthorization and Amendment Act (PL 100-590). The legislation authorizes Certified and Preferred Lender to keep one-half of the two percent guaranty fee chargeable to borrowers for loans of $50,000 or less with maturities in excess of one year.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9233
NPRM Comment Period End	04/05/89	
Final Action	01/22/90	55 FR 2050
Final Action Effective	01/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, NW., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB86

[FR Doc. 90-5961 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XLIV

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has four regulations under development, has published a notice of intent with regard to a fifth regulation, and has published a notice of proposed rulemaking with regard to a sixth regulation. In addition, TVA has published an interim final common rule with regard to a seventh regulation and a final rule with regard to an eighth regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

Executive Vice President and Chief Operating Officer.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3801. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Maxwell D. Ramsey,** Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316–AA02

3802. ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Final, Statutory, October 1988.
The royalty-sharing program under the statute must be implemented if the alternative program has not been implemented by October 1988; however, the statute does not preclude (cont)

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: implementations of an alternative program at a later date.

Agency Contact: **H. Brown Wright,** Program Coordinator Manager, Manufacturing, Technology Utilization, Tennessee Valley Authority, 601 West Summit Hill Drive, OCH 2D 46B-K, Knoxville, TN 37902-1499, **615 632-6435**

RIN: 3316–AA05

3803. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: 18 CFR Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Freddie L. Hogan,** Manager, Contracts and Community Assistance Section, Tennessee Valley Authority, 417 Chemical Engineering Building, Muscle Shoals, AL 35660, **205 386-2047**

RIN: 3316–AA13

3804. ● PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would amend the sections in the final uniform regulations to implement recent amendments to the Archaeological Resources Protection Act of 1979. Principally, these changes address public awareness programs, archaeological surveys and schedules, and guidance to Federal agencies on the disposition of human remains and directly associated objects found at archaeological sites. No direct costs to the public are anticipated, as the proposed rule would deal primarily

TVA **Proposed Rule Stage**

with management and protection of archaeological resources by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316–AA16

TENNESSEE VALLEY AUTHORITY (TVA) — Final Rule Stage

3805. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470ii(a)

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would revise the prohibited acts section of the uniform regulations to conform to recent amendments to the Archaeological Resources Protection Act, thus enabling Federal land managers to assess civil penalties for the attempt to excavate, remove, damage, alter, or otherwise deface archaeological resources. The proposed rule would thus affect persons who make unauthorized use of archaeological resources or attempt to do so.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2848
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 236 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316–AA14

3806. ● NEW RESTRICTIONS ON LOBBYING

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: 18 CFR 1315, (New)

Legal Deadline: None

Abstract: By this regulation the Tennessee Valley Authority adopts a common interim final rule issued in response to Section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, cooperative agreements, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, cooperative agreement, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, cooperative agreement, grant, loan, or a Federal commitment to insure or guarantee a loan must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, **615 632-7305**

RIN: 3316–AA17

3807. ● ADOPTION OF PROCEDURES - PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In accordance with the requirements of Section 319 of Public Law 101-121, the Tennessee Valley Authority is required to apply certain requirements of the Program Fraud Civil Remedies Act to the imposition and collection of civil penalties under Section 319 for violations of its restrictions on lobbying and its disclosure requirements. These regulations establish administrative procedures for imposition and collection of civil penalties in accordance with the Program Fraud Civil Remedies Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, **615 632-7305**

RIN: 3316–AA18

TENNESSEE VALLEY AUTHORITY (TVA) — Completed Actions

3808. BOOK-ENTRY PROCEDURES

Significance: Agency Priority

Legal Authority: 16 USC 831 to 831dd

CFR Citation: 18 CFR 1314, (New)

Legal Deadline: None

Abstract: The regulations relate to the issuance of, and transactions in, TVA evidences of indebtedness issued in book-entry form.

TVA **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	10/16/89	54 FR 42456
Final Action Effective	10/16/89	54 FR 42456

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward S. Christenbury, General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, 615 632-2241

RIN: 3316–AA15

[FR Doc. 90-6993 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291 "Federal Regulation." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FACs). None of the regulations listed in this agenda are considered major under Executive Order 12291 "Federal Regulation."

Dated: February 14, 1990.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3809	Amendment to Federal Acquisition Regulation (FAR Case 87-13)	9000-AB73
3810	Amendment to Federal Acquisition Regulation (FAR Case 88-6)	9000-AC19
3811	Amendment to Federal Acquisition Regulation (FAR Case 88-15)	9000-AC28
3812	Amendment to Federal Acquisition Regulation (FAR Case 88-31)	9000-AC43
3813	Amendment to Federal Acquisition Regulation (FAR Case 88-47)	9000-AC58
3814	Amendment to Federal Acquisition Regulation (FAR Case 88-56)	9000-AC67
3815	Amendment to Federal Acquisition Regulation (FAR Case 88-60)	9000-AC71
3816	Amendment to Federal Acquisition Regulation (FAR Case 88-64)	9000-AC75
3817	Amendment to Federal Acquisition Regulation (FAR Case 88-66)	9000-AC77
3818	Amendment to Federal Acquisition Regulation (FAR Case 88-67)	9000-AC78
3819	Amendment to Federal Acquisition Regulation (FAR Case 88-68)	9000-AC79
3820	Amendment to Federal Acquisition Regulation (FAR Case 88-70)	9000-AC80
3821	Amendment to Federal Acquisition Regulation (FAR Case 89-12)	9000-AC90
3822	Amendment to Federal Acquisition Regulation (FAR Case 89-13)	9000-AC91
3823	Amendment to Federal Acquisition Regulation (FAR Case 89-14)	9000-AC92
3824	Amendment to Federal Acquisition Regulation (FAR Case 89-17)	9000-AC95
3825	Amendment to Federal Acquisition Regulation (FAR Case 89-18)	9000-AC96
3826	Amendment to Federal Acquisition Regulation (FAR Case 89-19)	9000-AC97
3827	Amendment to Federal Acquisition Regulation (FAR Case 89-21)	9000-AC99
3828	Amendment to Federal Acquisition Regulation (FAR Case 89-23)	9000-AD01
3829	Amendment to Federal Acquisition Regulation (FAR Case 89-24)	9000-AD02
3830	Amendment to Federal Acquisition Regulation (FAR Case 89-25)	9000-AD03
3831	Amendment to Federal Acquisition Regulation (FAR Case 89-28)	9000-AD06
3832	Amendment to Federal Acquisition Regulation (FAR Case 89-29)	9000-AD07
3833	Amendment to Federal Acquisition Regulation (FAR Case 89-30)	9000-AD08
3834	Amendment to Federal Acquisition Regulation (FAR Case 89-31)	9000-AD09
3835	Amendment to Federal Acquisition Regulation (FAR Case 89-32)	9000-AD10
3836	Amendment to Federal Acquisition Regulation (FAR Case 89-34)	9000-AD12
3837	Amendment to Federal Acquisition Regulation (FAR Case 89-36)	9000-AD14
3838	Amendment to Federal Acquisition Regulation (FAR Case 89-37)	9000-AD15
3839	Amendment to Federal Acquisition Regulation (FAR Case 89-38)	9000-AD16
3840	Amendment to Federal Acquisition Regulation (FAR Case 89-40)	9000-AD18
3841	Amendment to Federal Acquisition Regulation (FAR Case 89-42)	9000-AD20
3842	Amendment to Federal Acquisition Regulation (FAR Case 89-43)	9000-AD21
3843	Amendment to Federal Acquisition Regulation (FAR Case 89-44)	9000-AD22
3844	Amendment to Federal Acquisition Regulation (FAR Case 89-45)	9000-AD23
3845	Amendment to Federal Acquisition Regulation (FAR Case 89-47)	9000-AD25
3846	Amendment to Federal Acquisition Regulation (FAR Case 89-54)	9000-AD32
3847	Amendment to Federal Acquisition Regulation (FAR Case 89-55)	9000-AD33

FAR

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3848	Amendment to Federal Acquisition Regulation (FAR Case 89-56)	9000-AD34
3849	Amendment to Federal Acquisition Regulation (FAR Case 89-58)	9000-AD36
3850	Amendment to Federal Acquisition Regulation (FAR Case 89-59)	9000-AD37
3851	Amendment to Federal Acquisition Regulation (FAR Case 85-32)	9000-AD39
3852	Amendment to Federal Acquisition Regulation (FAR Case 87-46)	9000-AD42
3853	Amendment to Federal Acquisition Regulation (FAR Case 89-61)	9000-AD43
3854	Amendment to Federal Acquisition Regulation (FAR Case 89-68)	9000-AD51
3855	Amendment to Federal Acquisition Regulation (FAR Case 89-70)	9000-AD53
3856	Amendment to Federal Acquisition Regulation (FAR Case 89-71)	9000-AD54
3857	Amendment to Federal Acquisition Regulation (FAR Case 89-73)	9000-AD56
3858	Amendment to Federal Acquisition Regulation (FAR Case 89-74)	9000-AD57
3859	Amendment to Federal Acquisition Regulation (FAR Case 89-75)	9000-AD58
3860	Amendment to Federal Acquisition Regulation (FAR Case 89-76)	9000-AD59
3861	Amendment to Federal Acquisition Regulation (FAR Case 89-78)	9000-AD61
3862	Amendment to Federal Acquisition Regulation (FAR Case 89-79)	9000-AD62
3863	Amendment to Federal Acquisition Regulation (FAR Case 89-81)	9000-AD64
3864	Amendment to Federal Acquisition Regulation (FAR Case 89-82)	9000-AD65
3865	Amendment to Federal Acquisition Regulation (FAR Case 89-83)	9000-AD66
3866	Amendment to Federal Acquisition Regulation (FAR Case 89-84)	9000-AD67
3867	Amendment to Federal Acquisition Regulation (FAR Case 89-85)	9000-AD68
3868	Amendment to Federal Acquisition Regulation (FAR Case 89-86)	9000-AD69
3869	Amendment to Federal Acquisition Regulation (FAR Case 89-87)	9000-AD70
3870	Amendment to Federal Acquisition Regulation (FAR Case 89-88)	9000-AD71
3871	Amendment to Federal Acquisition Regulation (FAR Case 89-89)	9000-AD72
3872	Amendment to Federal Acquisition Regulation (FAR Case 89-90)	9000-AD73
3873	Amendment to Federal Acquisition Regulation (FAR Case 89-91)	9000-AD74
3874	Amendment to Federal Acquisition Regulation (FAR Case 89-92)	9000-AD75
3875	Amendment to Federal Acquisition Regulation (FAR Case 89-93)	9000-AD76
3876	Amendment to Federal Acquisition Regulation (FAR Case 89-94)	9000-AD77
3877	Amendment to Federal Acquisition Regulation (FAR Case 90-6)	9000-AD78
3878	Amendment to Federal Acquisition Regulation (FAR Case 90-7)	9000-AD79
3879	Amendment to Federal Acquisition Regulation (FAR Case 90-8)	9000-AD80

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3880	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3881	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3882	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AB84
3883	Amendment to Federal Acquisition Regulation (FAR Case 87-37)	9000-AC00
3884	Amendment to Federal Acquisition Regulation (FAR Case 88-19)	9000-AC32
3885	Amendment to Federal Acquisition Regulation (FAR Case 88-22)	9000-AC35
3886	Amendment to Federal Acquisition Regulation (FAR Case 88-29)	9000-AC41
3887	Amendment to Federal Acquisition Regulation (FAR Case 88-36)	9000-AC47
3888	Amendment to Federal Acquisition Regulation (FAR Case 88-42)	9000-AC53
3889	Amendment to Federal Acquisition Regulation (FAR Case 88-54)	9000-AC65
3890	Amendment to Federal Acquisition Regulation (FAR Case 88-57)	9000-AC68
3891	Amendment to Federal Acquisition Regulation (FAR Case 88-72)	9000-AC83
3892	Amendment to Federal Acquisition Regulation (FAR Case 89-6)	9000-AC84
3893	Amendment to Federal Acquisition Regulation (FAR Case 89-8)	9000-AC86
3894	Amendment to Federal Acquisition Regulation (FAR Case 89-9)	9000-AC87
3895	Amendment to Federal Acquisition Regulation (FAR Case 89-10)	9000-AC88
3896	Amendment to Federal Acquisition Regulation (FAR Case 89-11)	9000-AC89
3897	Amendment to Federal Acquisition Regulation (FAR Case 89-15)	9000-AC93
3898	Amendment to Federal Acquisition Regulation (FAR Case 89-16)	9000-AC94
3899	Amendment to Federal Acquisition Regulation (FAR Case 89-20)	9000-AC98
3900	Amendment to Federal Acquisition Regulation (FAR Case 89-53)	9000-AD31
3901	Amendment to Federal Acquisition Regulation (FAR Case 89-57)	9000-AD35
3902	Amendment to Federal Acquisition Regulation (FAR Case 89-60)	9000-AD38

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Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3903	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AD40
3904	Amendment to Federal Acquisition Regulation (FAR Case 87-38)	9000-AD41
3905	Amendment to Federal Acquisition Regulation (FAR Case 89-62)	9000-AD44
3906	Amendment to Federal Acquisition Regulation (FAR Case 89-63)	9000-AD45
3907	Amendment to Federal Acquisition Regulation (FAR Case 89-64)	9000-AD46
3908	Amendment to Federal Acquisition Regulation (FAR Case 89-65)	9000-AD47
3909	Amendment to Federal Acquisition Regulation (FAR Case 89-66)	9000-AD49
3910	Amendment to Federal Acquisition Regulation (FAR Case 89-67)	9000-AD50
3911	Amendment to Federal Acquisition Regulation (FAR Case 89-69)	9000-AD52
3912	Amendment to Federal Acquisition Regulation (FAR Case 89-72)	9000-AD55
3913	Amendment to Federal Acquisition Regulation (FAR Case 89-77)	9000-AD60
3914	Amendment to Federal Acquisition Regulation (FAR Case 89-80)	9000-AD63

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

3809. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-13)

Legal Authority: PL 99-500, Sec 922

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19; 48 CFR 52

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to (1) raise the threshold for publicizing proposed acquisitions, other than sole source acquisitions, from $10,000 to $25,000, (2) require posting of notices of solicitations expected to exceed $10,000 but not to exceed $25,000, and (3) raise the limitation for small business, small purchase set-asides from $10,000 to $25,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AB73

3810. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify procedures applicable when converting an acquisition from sealed bidding to negotiation.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC19

3811. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to allow the contracting officer the authority to limit progress payments on first article work by a stated dollar amount or percentage.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC28

3812. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-31)

Legal Authority: 19 USC 2511 to 2518; 3 USC 301

CFR Citation: 48 CFR 5; 48 CFR 14; 48 CFR 15; 48 CFR 17; 48 CFR 25

Legal Deadline: Final, Statutory, February 14, 1988.

Abstract: To amend the FAR to incorporate changes necessitated by a major renegotiation of the Government Procurement Code by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27460
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC43

3813. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to authorize shipment of material FOB origin on prepaid commercial bills of lading and for contractors to be reimbursed for transportation costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38656
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC58

3814. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify standards for procedures governing Commercial Bills of Lading (CBL's) documentation, payment, and audit.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC67

3815. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise Standard Form 294, Subcontracting Report for Individual Contracts, and Standard Form 295, Summary Subcontract Report.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48495
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC71

3816. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 22; 48 CFR 23; 48 CFR 36; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise coverage concerning hazardous material and add a new subpart and clause concerning radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	01/30/90	55 FR 3174
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC75

3817. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-66)

Legal Authority: PL 100-656, Title VII

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to implement the joint Office of Federal Procurement Policy and Small Business Administration policy directive

implementing Title VII of the Business Opportunity Development Act of 1988 (Pub. L. 100-656).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 5052
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC77

3818. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-67)

Legal Authority: 41 USC 701 to 707

CFR Citation: 48 CFR 9; 48 CFR 23; 48 CFR 52

Legal Deadline: Other, Statutory, February 16, 1989.

Abstract: To amend the FAR to implement the requirements of the Drug-Free Workplace Act (Pub. L. 100-690).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4967
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC78

3819. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to provide notice to offerors and guidance to Government contracting personnel concerning unbalanced bids and proposals.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4230
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC79

3820. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-70)

Legal Authority: PL 100-449

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Other, Statutory, January 1, 1989.

Abstract: To amend the FAR to implement the United States-Canada Free-Trade Agreement and the United States-Canada Free-Trade Implementation Act of 1988, which added requirements with respect to acquisitions from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53340
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC80

3821. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to bring the cost principle on unfunded pension costs in line with Cost Accounting Standard 412.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC90

3822. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-13)

Legal Authority: PL 100-456

CFR Citation: 48 CFR 31; 48 CFR 37; 48 CFR 52

Legal Deadline: Other, Statutory, March 28, 1989.

Abstract: To amend the FAR to assure that severance payments to foreign nationals employed under a service contract performed outside the United States do not exceed the typical rate of severance pay in the United States.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC91

3823. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to emphasize responsibilities regarding certification of final indirect cost rate proposals.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10133
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC92

3824. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-17)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide an alternate contract clause for use when advance payments are authorized, but a special bank account is not authorized.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12126
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC95

3825. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-18)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify the policy that, regardless of the type of contract used, profit or fee will not be paid for facilities purchased for the account of the Government.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12128
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC96

3826. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-19)

Legal Authority: PL 100-700

CFR Citation: 48 CFR 31

Legal Deadline: Other, Statutory, April 17, 1989.

Abstract: To amend the FAR regarding the allowability of litigation costs and certain other costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC97

3827. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: To amend the FAR to more clearly define under what circumstances the Government should rely on inspection and testing by contractors when acquiring commercial off-the-shelf supplies.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 16094
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

FAR

Final Rule Stage

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC99

3828. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-23)

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 37; 48 CFR 43; 48 CFR 52

Legal Deadline: Other, Statutory, July 16, 1989.

Abstract: To amend the FAR to implement the procurement integrity requirements of section 27 of the OFPP Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	54 FR 12556
Interim Final Rule	05/11/89	54 FR 20488
Suspension of Interim Rule	12/08/89	54 FR 50718
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD01

3829. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR pertaining to Architect-Engineer performance evaluations.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15132
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD02

3830. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-25)

Legal Authority: PL 100-679

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify the definitions of Architect- Engineer services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/89	54 FR 13332
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD03

3831. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-28)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to set forth new rules on the allowability of costs resulting from business combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18634
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD06

3832. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-29)

Legal Authority: PL 98-620

CFR Citation: 48 CFR 1; 48 CFR 27; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement the contractual aspects of a final rule issued by the Department of Commerce on March 18, 1987 (52 FR 855) concerning commerce patents.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD07

3833. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-30)

Legal Authority: 50 USC app 2410a

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add coverage pertaining to sanctions (Toshiba/Kongsberg) for violations of export controls.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/89	54 FR 19812
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD08

3834. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Government takes title in the form of "ownership" rather than a lien when progress payments are made under the progress payments clause at FAR 52.232-16.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18631
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD09

3835. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to establish a threshold at which price reasonableness must be verified and quotations solicited from a reasonable number of sources. The revision proposes to increase the threshold from $1,000 to 10 percent of the small purchase limitation (presently at $25,000).

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19339
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD10

3836. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify the procedures for submission of cost impact proposals and the authority of the ACO to withhold a portion of payments when the contractor does not submit the cost impact proposal in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	54 FR 25686
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD12

3837. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to extend the period for which a contractor would be liable for loss or damage to household goods.

Timetable:

Action	Date	FR Cite
NPRM	06/02/89	54 FR 23861
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD14

3838. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to contractually require contractors to pay interest on overpayments made by the Government resulting from contractor defective pricing.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25206
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD15

3839. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-38)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to provide a standard time frame for filing agency level protests and establish the minimum requirements for the content of these protests.

Timetable:

Action	Date	FR Cite
NPRM	01/10/90	55 FR 990
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD16

3840. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to provide additional guidance on the use of quick closeout procedures described in FAR 42.708.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25211
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD18

3841. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-42)

Legal Authority: PL 100-656, Sec 304

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require a prime contractor to pay liquidated damages upon a lack of good faith effort to meet its small business subcontracting goals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/21/89	54 FR 30703
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD20

3842. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-43)

Legal Authority: PL 100-590, Sec 133

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to authorize participation of public or private organizations for the handicapped in small business set-asides during fiscal years 1989 through 1993.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD21

3843. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-44)

Legal Authority: PL 100-656, Sec 303(h)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit small business regular dealers to offer any domestically produced or manufactured product under a small business set-aside or award under section 8(a) of the Small Business Act when the acquisition is for a product in a class which SBA has determined that there are no small business manufacturers or processors in the Federal market.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD22

3844. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide that forms prescribed by the FAR or by agency supplements may be computer generated by the public.

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 26303
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD23

3845. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include technical corrections needed to comply with recent changes to OMB Circular A-76.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25214
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD25

3846. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 43; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to include the clause at FAR 52.243-6, Change Order Accounting, in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29296
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD32

3847. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-55)

Legal Authority: PL 100-590, Sec 124

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise the SF 295 to add the requirement for contractors to report subcontract awards to women-owned businesses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD33

3848. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide an exception for heavy or bulky freight to a requirement in FAR 47.303-6 and the clause at 52.247-34, FOB Destination, that supplies be delivered to the truck's tailgate.

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29984
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD34

3849. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-58)

Legal Authority: PL 99-550; 31 USC 1344

CFR Citation: 48 CFR 45; 48 CFR 51; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement PL 99-550 which specifies that Government-owned or leased passenger carriers are to be used for official purposes only, and to clarify the methodology to be used by contractors when ordering from Government sources.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32424
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD36

3850. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-59)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: To amend the FAR to add clarification concerning the extent to which notification and consent to subcontract have been resolved during negotiations and, therefore, need not be addressed by the ACO during the course of contract administration.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32422
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD37

3851. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-32)

Legal Authority: PL 98-577, Sec 204; PL 98-525; PL 99-591

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors who sell certain spare parts to certify that their prices to the Government do not exceed the lowest commercial prices unless an explanation of the differences is provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Additional NPRM	11/18/88	53 FR 46792
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD39

3852. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-46)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: To amend the FAR to require the use of a certificate of independent price determination in certain overseas procurements. Prior to this proposed revision, the certificate was specifically excluded from these procurements.

Timetable:

Action	Date	FR Cite
NPRM	01/04/88	53 FR 100
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD42

3853. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-61)

Legal Authority: PL 99-145; PL 100-180; PL 100-456; PL 100-700

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to add coverage on the allowability of costs incurred under Federal contracts with educational institutions, state and local governments, Federally recognized Indian tribal governments, and nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	07/28/89	54 FR 31480
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. Ther

is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD43

3854. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the prescription for the clause at 52.237-2, Continuity of Services, to limit its use and to provide examples of proper usage.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41941
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD51

3855. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-70)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to set forth a new rule on the allowability of postretirement benefits other than pensions on U.S. Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/09/89	54 FR 47182
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD53

3856. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-71)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to set out a rule on the allowability of the Superfund Tax.

Timetable:

Action	Date	FR Cite
NPRM	10/19/89	54 FR 43032
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD54

3857. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-73)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 29; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the coverage in FAR Parts 29 and 52 regarding taxes.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	54 FR 46037
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD56

3858. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-74)

Legal Authority: PL 100-656, Sec 407

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that contracting officers terminate a section 8(a) contract for convenience when requested to do so by the Small Business Administration as a result of a transfer of ownership or control of the 8(a) concerns. The contracting officer actually may request a waiver if the termination of the contract could severely impair attainment of the agency's program objectives.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/05/90	55 FR 3878
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD57

FAR

Final Rule Stage

3859. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-75)

Legal Authority: PL 100-656, Sec 301(b)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to acknowledge the Small Business Administration's authority to exempt section 8(a) contracts from provisions of the Walsh-Healey Act and performance and payment bond requirements of the Miller Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/05/90	55 FR 3878
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD58

3860. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-76)

Legal Authority: PL 100-656, Sec 201(a); PL 100-656, Sec 207; PL 100-656, Sec 405; PL 99-272

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to (1) provide for imposition of penalties for the misrepresentation of the status of a concern or person as a small or small disadvantaged business; (2) add Native Hawaiian Organizations to groups presumed to be socially disadvantaged; and (3) recognize the establishment of the Small Business Administration's Division of Program of Certification and Eligibility, which is responsible for deciding protests regarding the status of a concern as a disadvantaged concern for purposes of any program conducted under the authority of section 8(d) of the Small Business Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/05/90	55 FR 3878
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD59

3861. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-78)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to prescribe the solicitation provision at 52.215-39, Preparation of Offers-Construction, for use in all negotiated construction solicitations in lieu of the provision at 52.215-13, Preparation of Offers, prescribed in 15.407(d)(1). Alternate I is added to the provision at 52.215-16, Contract Award, prescribed in 15.407(d)(4). The provision at 52.215-39, Preparation of Offers-Construction, prescribed in 15.407(i) is also added.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50337
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD61

3862. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-79)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, microprocessor chips (brought to the Government construction site for incorporation into building systems for construction or repair and alteration projects), to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD62

3863. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-81)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the FAR to delete the requirement for the contracting officer to obtain certifications of fuel efficiency and availability from the requiring activity before leasing motor vehicles for less than 60 days.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

FAR

Final Rule Stage

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD64

3864. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-82)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: To amend the FAR to state that individuals appointed as special Government employees serving as advisors or consultants, or on advisory committees, are not Government employees for purposes of FAR 3.601 unless the contract arises directly out of the activity for which they are special Government employees or, if in the individual's capacity as a special Government employee, the individual is in a position to influence the award of the contract.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51730
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD65

3865. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-83)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 16; 48 CFR 17

Legal Deadline: None

Abstract: To amend the FAR to remove the implied proscription on the use of requirements contracts and indefinite quantity contracts for other than commercial or commercial-type products, and to clarify policy concerning options for items available on the open market.

Timetable:

Action	Date	FR Cite
NPRM	01/23/90	55 FR 2356
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD66

3866. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-84)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: To amend the FAR to require that justifications for other than full and open competition based on the urgency exception that are prepared after contract award be prepared and approved within a reasonable time.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD67

3867. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-85)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to require contractors to mark government owned special tooling and special test equipment in their possession with a serial number and an indication of government ownership, as opposed to agency ownership.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD68

3868. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-86)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to require contractor's property control systems to include procedures to ensure property is returned to the supplier for appropriate credit whenever feasible. Additionally, the reference to verification that contractors have endeavored to return excess property has been deleted from FAR 45.606-3(b).

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD69

3869. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-87)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase or eliminate certain thresholds.

Timetable:

Action	Date	FR Cite
NPRM	01/23/90	55 FR 2358
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD70

3870. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-88)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 48

Legal Deadline: None

Abstract: To amend the FAR to clarify the allowability of costs for unaccepted value engineering change proposals. The allowability of the costs will be determined in accordance with FAR Part 31.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 416
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD71

3871. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-89)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to clarify the extent to which procurement orders placed under indefinite delivery type contractual arrangements, basic agreements, and basic ordering agreements constitute a contract for purposes of debarment/suspension.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 416
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD72

3872. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-90)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to set forth new rules regarding the allowability of foreign selling costs on U.S. Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1554
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD73

3873. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-91)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify current policy concerning payment of overtime premiums.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD74

3874. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-92)

Legal Authority: PL 96-342, Sec 208

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To revise the independent research and development and bid proposal cost thresholds in FAR 31.205-18(c)(1) to $5,4000,000 for companies and $675,000 for profit centers.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD75

3875. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-93)

Legal Authority: PL 101-121, Sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement section 319 of PL 101-121, which added a new section 1352 to title 31 USC entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of $100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of $150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD76

3876. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-94)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase the threshold level from $10,000 or five percent to $25,000 or five percent for withholding payment amounts when production progress reports are delayed.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3798
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD77

3877. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide guidance concerning the treatment of contractors who enter into bankruptcy. The purpose of such guidance is to enable the Government to deal with potentially significant events in a contractor's operation that could impact on the Government's ability to obtain the requisite contract performance and to provide procedural guidance for addressing such situations.

Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3794
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD78

3878. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 49

Legal Deadline: None

Abstract: To amend the FAR to increase or eliminate thresholds in FAR Subpart 49.1.

Timetable:

Action	Date	FR Cite
NPRM	02/14/90	55 FR 5344
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD79

FAR

Final Rule Stage

3879. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 90-8)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate the $10,000 threshold for certain provisions of clauses in construction contracts, thereby standardizing sealed bid packages regardless of dollar amount, and to eliminate the provision at 52.214-8, Parent Company and Identifying Data.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD80

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3880. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9720
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AA29

3881. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to correct language in the current 5-day late bid rule concerning acceptable evidence to establish the date of mailing a late bid, modification, or withdrawal sent by registered or certified mail; provide a 2-day late bid rule for bids mailed by U.S. Postal Service Express Mail Next Day service; provide separate late bid rules for bids outside the U.S. and Canada; allow contracting officers the option of permitting the use of facsimile equipment for the submission of bids, acknowledgements of amendments to solicitations, and modifications or withdrawals of bids; and make corresponding revisions with respect to contracting by negotiation.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
Additional NPRM	08/15/88	53 FR 30818
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AA35

3882. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning guaranteed maximum shipping weights and dimensions.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31722
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AB84

3883. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide a simplified contract format and allow annual submission of contractor's representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	10/27/87	52 FR 41390
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC00

3884. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: To amend the FAR to extend the record retention period for contractors who submit late annual indirect cost rate proposals and clarify the meaning of "record" to include computer input data.

Timetable:

Action	Date	FR Cite
NPRM	06/17/88	53 FR 23105
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC32

3885. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that, if a contractor or subcontractor, obtains a reduction of its U.S. income tax liability because of foreign tax credits under the IRS, the amount of the reduction shall be credited back to the U.S. Government at the time the foreign tax credit is given.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12501
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC35

3886. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-29)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors to provide advance notice of shipment for categories of material requiring preparation by the consignee for safety and security consideration.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25102
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC41

3887. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide clear policy and uniform procedures for furnishing or acquiring special tooling under fixed-price contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33020
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC47

3888. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-42)

Legal Authority: PL 100-202

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the FAR to withdraw coverage pertaining to requirements in 44 USC 501(2) for approval, by the Congressional Joint Committee on Printing, of requirements for acquisition of printing.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33017
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA

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RIN: 9000–AC53

3889. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to clarify and strengthen the current cost principle to provide a sufficient basis to adequately question consultant costs.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41530
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC65

3890. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR concerning individual surety procedures. Among other things, the revisions would require a pledge of assets by an individual surety, prescribe the type of acceptable assets to be submitted, provide for exclusion of individual sureties for cause, revise Standard Form 28, and add two Optional Forms.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44564
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC68

3891. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-72)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Buy American List of Exempt Items is provided for information only and that each agency is responsible for making a determination that an item is exempt from the provisions of the Buy American Act.

Timetable:

Action	Date	FR Cite
NPRM	02/08/89	54 FR 6251
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC83

3892. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to reflect a new amount for evaluating proposals to determine if a multiple award would be economically advantageous to the Government. The amount is increased for evaluation purposes from $250 to $500.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7515
Final Action	02/05/90	55 FR 3878

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC84

3893. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-8)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, 50 denier rayon yarn, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC86

3894. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, rabbit fur felt, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC87

3895. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: To amend the FAR to be consistent with the Department of Defense implementation of section 803, Pub. L. 100-456, which authorizes delegation of the authority of the Under Secretary of Defense for Acquisition to approve justifications for other than full and open competition in excess of $10,000,000.

Timetable:

Action	Date	FR Cite
Final Action	03/29/89	54 FR 13022

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC88

3896. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASF 89-11)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the clause at 52.228-5, Insurance-Work on a Government Contract, to eliminate the administrative burden on contracting officers to maintain copies of subcontractor's certificates of insurance. The change does not alter insurance requirements or the documentation to be held by the prime contractor.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC89

3897. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to remove the implication that Contract Administration Services were responsible for administering statutory and regulatory requirements for hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	02/28/89	54 FR 8492
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC93

3898. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify the application of Value Engineering (VE) to contracts for architect-engineer (A-E) services.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12122
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC94

3899. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to require that, when an award is made to an offeror for less than all of the items that may be awarded to that offeror, and additional items are being withheld for subsequent award, the award notice shall state that the Government may make subsequent awards on those additional items within the offer acceptance period, and to clarify that notice of potential subsequent award must be provided with each award that may be followed by a subsequent award.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17894
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AC98

3900. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-53)

Legal Authority: PL 100-656, Sec 303(b) & 303(d)

CFR Citation: 48 CFR 5; 48 CFR 6; 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement sec. 303(b) and 303(d) of the Business Opportunity Development Reform Act (PL 100-656) to provide that acquisitions over a specified threshold offered for award pursuant to section 8(a) of the Small Business Act shall be awarded on the basis of competition restricted to eligible program participants and to provide for SBA appeals when requirements are not offered to the section 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	06/28/89	54 FR 27310
Final Action	10/31/89	54 FR 46004

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD31

3901. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 10

Legal Deadline: None

Abstract: To amend the FAR to clarify that the exception in FAR 10.006 applies to both purchases and contracts that do not exceed the small purchase threshold.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD35

3902. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify when discussions will be held with A-E firms, to eliminate an unnecessary clause, and simplify the submission of performance reports using the SF 1420, Performance Evaluation (Construction Contracts.)

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD38

3903. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to more specifically describe the information required from the offeror concerning shipping characteristics, to provide that offers submitted without the requested information will be evaluated on the basis of the shipping characteristics submitted with any offer that produces the highest transportation costs, and to provide that the contract price of the successful offer will be reduced by an amount equal to the difference between the transportation costs actually incurred and the costs which would have been incurred had the evaluated shipping characteristics been accurate.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	53 FR 31723
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD40

3904. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-38)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to illustrate the type and form of contractor cost and financial information which is to be made available to auditors conducting audits of contract costs.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31280
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD41

3905. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate the grouping in solicitations and contracts of provisions and clauses which are incorporated by reference within the applicable uniform contract format (UCF) and the deletion of the Alternates to the clauses at 52.252-1 and 52.252-2 which allow incorporation by reference of provisions and clauses and do not use the UCF.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD44

3906. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-63)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to clarify that the suspension of progress payments for accounting deficiencies should be applied only to the portion of the progress payments associated with a deficiency.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD45

3907. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide editorial changes to reference the small purchase limitation in FAR 13.000 and provide consistency with the FAR's standard "small purchase limitation" terminology.

Timetable:

Action	Date	FR Cite
Final Action	11/28/89	54 FR 48978

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD46

3908. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-65)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to clarify the requirement that nonmanufacturer offerors on small business set-aside contracts must be small businesses and establish a size standard of 500 employees for such nonmanufacturers.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD47

3909. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-66)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to increase the threshold for inclusion of certain specific information in local press releases from $10,000 to the small purchase limitation.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD49

3910. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: To amend the FAR to authorize contracting officer approval of justifications for other than full and open competition for proposed contracts that do not exceed $100,000, unless a higher level is established by agency regulations.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD50

3911. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: To amend the FAR to reference the small purchase limitation in FAR 13.000 rather than state specifically the current $25,000 limitation.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD52

3912. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-72)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to clarify that there are two separate and distinct libraries of scientific and technical information resulting from Government contracts, and to prescribe a new Standard Form 298, Report Documentation Page.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD55

3913. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-77)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47

Legal Deadline: None

Abstract: To amend the FAR to indicate that Subpart 47.5, Ocean Transportation by U.S. Flag Vessels, does not apply to the Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, 202 523-4755

RIN: 9000–AD60

3914. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-80)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to update the FAR's provision/clause matrix to reflect pertinent provision and clause changes in Federal Acquisition Circulars 84-14 through 84-56.

FAR **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	02/05/90	55 FR 3878

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW., Washington, DC 20405, **202 523-4755**

RIN: 9000–AD63

[FR Doc. 90-5962 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLVI

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules, which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Gerry Smith, Special Assistant to the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules, which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1]

The Commission's agenda represents its best estimate of significant rules, which will be considered over the next 12 months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its April 1990 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's April 1990 regulatory flexibility agenda is set forth below.

Issued in Washington, DC, on March 5, 1990, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3915	Opening and Closing Procedures	3038-AA72

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3916	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3917	Rules Relating to Commission Review of Registered Futures Association Decisions In Disciplinary, Membership Denial, Registration and Member Responsibility Actions	3038-AA57
3918	Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers	3038-AA64
3919	Orders From Another Exchange Member on the Floor	3038-AA69

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda, which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory which list rules that the Commission is considering or will consider in the near future.

CFTC

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3920	Affiliations Among Brokers	3038-AA71
3921	Proposed Rule Concerning Restriction of Dual Trading by Floor Brokers	3038-AA73

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3922	Trading Card and Order Collection	3038-AA67
3923	Committee Membership Eligibility	3038-AA70

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Prerule Stage

3915. ● OPENING AND CLOSING PROCEDURES

Legal Authority: 7 USC 6b; 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 1.64

Legal Deadline: None

Abstract: The anticipated proposed regulation may require exchanges to implement special procedures for the execution of customer orders on the open and close, such as an average price order procedure, to improve quality of execution during those time periods.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lystra G. Blake, Attorney, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA72

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3916. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment preserves the one-day grace period for debit/ deficit accounts unless the account had been in debit/deficit status on the previous business day and the previous day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
NPRM Comment Period End	09/28/87	52 FR 28281

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent/Gary Miller, Assoc. Chief Counsel/Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA10

CFTC

Proposed Rule Stage

3917. RULES RELATING TO COMMISSION REVIEW OF REGISTERED FUTURES ASSOCIATION DECISIONS IN DISCIPLINARY, MEMBERSHIP DENIAL, REGISTRATION AND MEMBER RESPONSIBILITY ACTIONS

Legal Authority: 7 USC 21(h); 7 USC 21(i); 7 USC 21(o)(2); 7 USC 12(a)(5); 7 USC 4a

CFR Citation: 17 CFR 3; 17 CFR 171

Legal Deadline: None

Abstract: The Commission proposes to adopt rules establishing standards and procedures for Commission review of decisions of registered futures associations such as the National Futures Association ("NFA"). The Commission is proposing specific standards of review for decisions by NFA in four types of actions - disciplinary actions, membership denial actions, registration actions and member responsibility actions. The proposed rules would establish a common procedure for seeking review and a stay of a final decision by NFA in disciplinary, membership denial and registration actions. The proposed rules would also establish a procedure for seeking review and a stay of a final decision by NFA in member responsibility actions. In proposing these rules, the CFTC seeks to promulgate standards for review that will permit NFA to exercise its expertise and independent judgment in the proceedings subject to these rules while providing a person aggrieved by the result of NFA's action an effective means to obtain relief from prejudicial errors in NFA's determination. The Commission also seeks to establish an appellate process that is comprehensive, balanced, efficient and fair.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Laura Richards**, Deputy Chief, Opinions Section, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, **202 254-7110**

RIN: 3038–AA57

3918. DISTRIBUTION OF "RISK DISCLOSURE STATEMENT" BY FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

Legal Authority: 7 USC 6(b); 7 USC 6b; 7 USC 6g(1); 7 USC 6o; 7 USC 12a(5); 7 USC 24

CFR Citation: 17 CFR 1.55; 17 CFR 30.6; 17 CFR 33.7; 17 CFR 190.10

Legal Deadline: None

Abstract: The Commission is considering whether to amend Rule 1.55, its basic rule with respect to risk disclosure by futures commission merchants and introducing brokers. Any such amendments would be designed to further simplify risk disclosure with respect to trading of domestic and foreign futures products so as to reduce the number of separate risk disclosure documents required by the Commission, the National Futures Association and other self-regulatory organizations (SROs), including foreign SROs. The Commission may also consider whether the current rules need to be clarified regarding disclosure of the risk of bankruptcy and disclosures required when an account is transferred from one futures commission merchant or introducing broker to another futures commission merchant or introducing broker.

Timetable:

Action	Date	FR Cite
NPRM	04/13/90	
NPRM Comment Period End	06/12/90	
Final Action	09/30/90	
Final Action Effective	01/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Lawrence B. Patent**, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, **202 254-8955**

RIN: 3038–AA64

3919. ORDERS FROM ANOTHER EXCHANGE MEMBER ON THE FLOOR

Legal Authority: 7 USC 6; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1.35

Legal Deadline: None

Abstract: The anticipated proposed regulation will amend existing regulation 1.35 to require that an order ticket be prepared for orders placed by members on the floor of an exchange with another member for execution (CTI 3 trades) as is presently required for all other orders. Currently, regulation 1.35 (a-1) (3) exempts a member receiving an order from another member on the floor from the requirements of this regulation, which requires that an order ticket be prepared and time stamped upon receipt, if the member receiving such order notes on his trading card or other record the time of execution to the nearest minute. Alternatively, the proposed regulation may require other audit trail improvements for such orders. The proposed amendment is intended to improve the available audit trail for orders executed on behalf of members on the floor of an exchange so that the trading activity of those members may be better monitored. The proposed regulation will contain an exemption for certain inter-commodity or futures/option spread transactions to preserve the efficient execution of such orders. Because of the relatively small number of orders for members on the floor, the Commission (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/15/90	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: believes that the additional burden imposed by the requirement will not be economically significant.

Agency Contact: **D'Ana Hamilton**, Staff Attorney, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, **202 254-8955**

RIN: 3038–AA69

CFTC

Proposed Rule Stage

3920. AFFILIATIONS AMONG BROKERS

Legal Authority: 7 USC 6; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1

Legal Deadline: None

Abstract: The Commission proposes to develop regulations to assure the adequate monitoring of trading activity among affiliated brokers, which may include a definition of such affiliations and a requirement that exchanges implement registration procedures for such entities.

Timetable:

Action	Date	FR Cite
NPRM	04/03/90	
NPRM Comment Period End	05/03/90	
Final Action	10/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christopher Bowen, Staff Attorney, Commodity Futures Trading Commission, 2033 K Street,NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA71

3921. ● PROPOSED RULE CONCERNING RESTRICTION OF DUAL TRADING BY FLOOR BROKERS

Legal Authority: 7 USC 6b; 7 USC 6j; 7 USC 12a

CFR Citation: 17 CFR 155.2

Legal Deadline: None

Abstract: The proposed regulation will restrict, on a phased-in basis, beginning with an implementation plan, dual trading by floor members in certain markets, subject to stated exceptions. Specifically, a floor broker would be prohibited from (i) trading or placing an order for a futures or option contract for his own account, an account over which he had trading discretion, or an account in which he had a significant interest and (ii) holding or executing an order for a futures or option contract in the same commodity for a customer, during the same trading session, except to the extent determined by contract market rules. The proposed regulation is intended to promote integrity of futures markets by limiting potential illegal conduct resulting from the ability to trade in two capacities.

Timetable:

Action	Date	FR Cite
NPRM	01/11/90	55 FR 1047
NPRM Comment Period End	04/11/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael B. Sundel, Staff Attorney, Commodity Futures Trading Commission, 2033 K Street, NW., Wahsington,DC 20581, 202 254-8955

RIN: 3038–AA73

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

3922. TRADING CARD AND ORDER COLLECTION

Legal Authority: 7 USC 6; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1.35 (d); 17 CFR 1.35 (j); 17 CFR 1.35(a-1)

Legal Deadline: None

Abstract: The proposed rulemaking will establish requirements for frequent collection of trading cards and filled customer order tickets on the exchanges during the trading day. Specifically, the rulemaking will require that such records be collected within 15 minutes of designated intervals not to exceed 1/2 hour during a brief implementation stage. No earlier than 11 months after that requirement would become effective, the CFTC could require that such collection take place within intervals not to exceed 15 minutes. Such defined periods shall include separately designated opening and closing periods with a separate trade record submission requirement. In addition, the rule will require that all trading cards be timestamped upon collection, be prenumbered, be completed in indelible ink, that exchange members account for all trading cards and record trades in chronological order as sequential lines of a trading card. These rules, among other things, will improve the audit trail for all trades and limit any opportunity to alter such records.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37117
NPRM Comment Period End	10/10/89	
Final Action	03/01/90	
Final Action Effective	04/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ann Salzberg, Staff Attorney, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, 202 254-8955

RIN: 3038–AA67

3923. COMMITTEE MEMBERSHIP ELIGIBILITY

Legal Authority: 7 USC 5; 7 USC 6b; 7 USC 7; 7 USC 7a; 7 USC 8; 7 USC 13a; 7 USC 12; 7 USC 12a; 7 USC 13; 7 USC 21; 7 USC 26(b)

CFR Citation: 17 CFR 1.63

Legal Deadline: None

Abstract: This rule would require self-regulatory organizations (SROs), i.e., contract markets, clearing organizations, and the National Futures Association, to implement rules that prohibit persons with significant disciplinary histories from serving on SRO disciplinary committees, arbitration panels and governing boards. The rule is intended to uphold the perceived integrity of the SROs and thereby enhance the effectiveness of the self-regulatory system.

Timetable:

Action	Date	FR Cite
NPRM	09/06/89	54 FR 37001
NPRM Comment Period End	11/06/89	
Final Action	02/27/90	
Final Action Effective	04/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David P. Van Wagner Special Counsel, Commodity Futures Trading Commission, 2033 K Street,

NW., Washington, DC 20581, **202 254-8955**

RIN: 3038–AA70

[FR Doc. 90-6995 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23 1990

Part XLVII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish, twice each year, a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 1990.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities; not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: March 23, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3924	Rule review	3041-AA24
3925	Rule review	3041-AA25
3926	All-Terrain Vehicles	3041-AA53
3927	Requirements to make cigarette lighters child resistant	3041-AA73
3928	Petition CP 89-2 Requesting Development of a Standard for Electric Heat Tape	3041-AA78
3929	Petition HP 89-1 for rule to ban certain crib toys	3041-AA83
3930	Petition CP 89-1 for Safety Standard for Saunas	3041-AA85
3931	Petition CP 89-4 for Labeling Rule Applicable to Water Beds	3041-AA89
3932	Petition HP 90-1 Requesting Issuance of a Rule to Ban Cribs With Corner Post Extensions	3041-AA92

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3933	Choking Hazards Associated with Toys and Children's Articles	3041-AA94

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3934	Requirements for the Special Packaging of Household Substances; Revision of Test Protocol for Child Resistant Packaging	3041-AA22
3935	Proposed Rule to Exempt Electronic Video Games From Electrical Toy Regulations	3041-AA41
3936	Household Substances Containing Methylene Chloride; Status as Hazardous Substances; Proposed Rule	3041-AA59
3937	Proposed Rules to Require Child-Resistant Packaging for Products Containing Acetonitrile or Sodium Bromate or Potassium Bromate	3041-AA86

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3938	Poison Prevention Packaging Act Requirements for Certain Effervescent Acetaminophen Tablets, Proposed Amendment of Exemption	3041-AA69
3939	Poison Prevention Packaging Act Requirements for Certain Unflavored Aspirin in Powder Form, Proposed Amendment of Exemption	3041-AA70
3940	Poison Prevention Packaging Act Requirements for Certain Medroxyprogesterone Acetate Tablets, Proposed Amendment of Exemption	3041-AA71
3941	Proposed Rule to Exempt Medroxyprogesterone Acetate Tablets From Poison Prevention Packaging Act Requirements for Child-Resistant Packaging	3041-AA77
3942	Application for Exemption From Preemption; Proposed Rule	3041-AA82
3943	Test Methods for Simulating Use and Abuse of Toys, Games, and Other Articles Intended for Use by Children	3041-AA93

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3944	Method for Identifying Toys and Other Articles Intended for Children Under 3 Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts	3041-AA76
3945	Petition CP 89-3 for Safety Standard for Hand-Held Electric Hair Dryers	3041-AA79
3946	Petition PP 88-2 for Rules to Require Child-Resistant Packaging for Products Containing Acetonitrile or Sodium Bromate or Potassium Bromate	3041-AA86

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Prerule Stage

3924. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: On January 30, 1990, the Commission published a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite
Notice to Solicit Comments	01/30/90	55 FR 3071
Public Comment Period End	04/02/90	55 FR 3071
End Review	11/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA24

3925. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to Solicit Comments	02/22/84	49 FR 6504
Public Comment Period End	04/23/84	49 FR 6504
End Review	06/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA25

3926. ALL-TERRAIN VEHICLES

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPRM) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a three- or four-wheeled motorized machine, designed for off-road use, and intended to be ridden by one person. A consent decree in the U.S. District Court for the District of Columbia in U.S. v. American Honda Motor Co. et al., approved on April 28, 1988, Civil Act. No. 87-3525 GAG), required ATV manufacturers to attempt in good faith to reach agreement on a voluntary standard for the Commission's consideration. The Commission accepted that standard, along with an industry agreement concerning lateral stability, on October 28, 1988. Except for lateral stability and youth models, the Commission will defer rulemaking for a time sufficient for the voluntary standard to be adopted by the American National Standards Institute. Also, the Commission concluded that for labeling, manuals, age recommendations, advertising, training, point-of-purchase materials, and other (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391
Staff to Send Recommendation to Commission	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: aspects of manufacturing and marketing of ATVs which are controlled by the consent decree, rulemaking is no longer required. When current voluntary standards activities are completed, the staff will forward recommendations to the Commission.

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA53

3927. REQUIREMENTS TO MAKE CIGARETTE LIGHTERS CHILD RESISTANT

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1261 et seq Federal Hazardous Substances Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On March 3, 1988, the Commission published an Advance Notice of Proposed Rulemaking (ANPRM) to announce its preliminary determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff is analyzing comments received in response to the ANPRM. A test protocol using panels of children and adults is under development. The test protocol will be used to determine the child resistance of lighters now on the market and to evaluate lighter modifications reported to be more child resistant. A child resistant cigarette lighter standard will be developed using the test protocol as a basis.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM Comment Period End	05/02/88	53 FR 6833
Staff Sends Briefing Package on NPRM to Commission	09/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James F. Hoebel, Program Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA73

CPSC

Prerule Stage

3928. PETITION CP 89-2 REQUESTING DEVELOPMENT OF A STANDARD FOR ELECTRIC HEAT TAPE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2076(e) Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On December 22, 1988 Christian B. Stegeman, III and others petitioned the Commission to begin a proceeding under provisions of the Consumer Product Safety Act for development of a safety standard for electric heat tape. The petition requests the Commission to develop a standard with requirements for the design and performance of electric heat tape and for instructions and warnings to accompany the product. If the Commission grants the petition, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA78

3929. PETITION HP 89-1 FOR RULE TO BAN CERTAIN CRIB TOYS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18

Legal Deadline: None

Abstract: On November 17, 1988, Consumer Federation of America and the New York State Attorney General's Office petitioned the Commission to begin a proceeding for issuance of a rule to ban certain crib toys and mobiles described in the petition. The petition alleges that these toys present risks of strangulation to infants. If the Commission grants the petition, it will begin a proceeding under the Federal Hazardous Substances Act for issuance of the requested banning rule.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package on Petition to Commission	04/27/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA83

3930. PETITION CP 89-1 FOR SAFETY STANDARD FOR SAUNAS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On October 4, 1988, Edward Press, M.D. petitioned the Commission to issue a safety standard for saunas. A sauna is a wood-walled enclosure equipped with benches and a heater. The petition alleges that saunas are associated with risks of death and injury from heat stroke or hypothermia, cardiac arrhythmia and cardiac arrest, myocardial infarction, and syncope or fainting. The petition requests the Commission to issue a safety standard for saunas with requirements for signs to warn about hazards associated with use of saunas; a switch outside the sauna enclosure to limit operating time of the sauna to a maximum of ten minutes per setting; a switch inside the sauna enclosure to shut off the sauna when the dry-bulb temperature exceeds 195 degrees F.; adequate ventilation of tne sauna enclosure; and an alarm signal which can be activated inside the sauna enclosure to summon aid. The staff is preparing a briefing package for consideration by the Commission before deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding for development of a consumer (cont)

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: product safety standard under provisions of the Consumer Product Safety Act.

Agency Contact: James F. Hoebel, Program Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA85

3931. PETITION CP 89-4 FOR LABELING RULE APPLICABLE TO WATER BEDS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On July 10, 1989, the Commission received a petition from the New York State Attorney General and others requesting initiation of a proceeding for issuance of a labeling rule applicable to adult- sized water beds. The petition asserts that adult-sized water beds are associated with risks of death and injury by suffocation to infants and physically handicapped children, and requests issuance of a rule to require labeling of adult-sized water beds and point-of-sale information to warn of these risks. The Commission staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding under the Consumer Product Safety Act to issue the requested labeling rule.

CPSC **Prerule Stage**

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	04/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert P. Guenette, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA89

3932. ● PETITION HP 90-1 REQUESTING ISSUANCE OF A RULE TO BAN CRIBS WITH CORNER POST EXTENSIONS

Legal Authority: 5 USC 552(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1508; 16 CFR 1509

Legal Deadline: None

Abstract: On August 22, 1989, the Danny Foundation and others petitioned the Commission to issue a rule banning cribs with corner post extensions or other "catch points." The petition alleges that cribs with corner post extensions or other "catch points" present risks of death and serious injury to children from strangulation because children's neck cords, shirt straps, and clothing can become entangled on the corner post extensions or "catch points." If the Commission grants the petition it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA92

3933. ● CHOKING HAZARDS ASSOCIATED WITH TOYS AND CHILDREN'S ARTICLES

Legal Authority: 15 USC 1261 to 1262, Federal Hazardous Substances Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On March 21, 1990, the Commission voted to begin rulemaking proceedings to address choking hazards associated with balloons, small balls, marbles, and toys intended for use by children from three to six years old. The Commission took this action after receiving reports of 146 incidents in which children died after choking on toys or other children's articles. Approximately 70 percent of these incidents involved balloons, small balls, or marbles. These proceedings could result in issuance of mandatory labeling requirements to warn of choking hazards associated with balloons, marbles, toys intended for children from three to six years old, and games of skill which include small balls. Additionally, the Commission is considering the prohibition of balls smaller than a specified diameter (not yet determined) which are not part of a game of skill.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David W. Thome, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA94

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) Proposed Rule Stage

3934. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPRM. In August 1987, the Commission considered the comments received in response to the ANPRM and the staff's recommendations regarding revision of existing requirements for child-resistant packaging. The Commission directed the staff to prepare draft proposals to amend the test protocols used to evaluate the effectiveness of child-resistant packaging. The staff is preparing a briefing package concerning specific revisions to the child test protocol and the adult test protocol. The staff anticipates that it will transmit the briefing package to the Commission in April 1990.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
Staff Briefs Commission	04/02/90	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product

Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA22

3935. PROPOSED RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from its coverage. The Commission granted the petition on September 27, 1988, and expects to publish a proposed exemption later in 1990.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Thome, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA41

3936. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy Published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements. The rulemaking proceeding is suspended pending a determination of the extent of compliance with the enforcement policy.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA59

3937. ● PROPOSED RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR PRODUCTS CONTAINING ACETONITRILE OR SODIUM BROMATE OR POTASSIUM BROMATE

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of January 16, 1990, the Commission proposed rules to require child-resistant packaging for household glue removers in liquid form containing more than 500 milligrams of acetonitrile in a single container; and for home permanent neutralizers in liquid form containing more than 600 milligrams of sodium bromate in a single container, or more than 50 milligrams of potassium bromate in a single container. The Commission proposed these rules after it preliminarily determined that child-resistant packaging is required to protect children younger than five years of age from serious personal injury and serious injury and serious illness resulting from ingestion of any of the substances which would be subject to their requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1456
NPRM Comment Period End	04/02/90	55 FR 1456

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA86

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Final Rule Stage

3938. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations implementing the Poison Prevention Packaging Act exempt effervescent acetaminophen tablets containing less than 10 per cent acetaminophen from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission published a proposed amendment of those regulations to increase the acetaminophen content of tablets exempted from requirements for child-resistant packaging from less than ten per cent to not more than 15 per cent. The Commission will decide in March 1990 whether to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41200
NPRM Comment Period End	12/19/88	53 FR 41200
Final Action	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA69

3939. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations issued under provisions of the Poison Prevention Packaging Act exempt certain unflavored aspirin in powder form which is packaged in unit doses providing not more than 13 grains of aspirin per unit dose from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission proposed an amendment of those regulations to exempt unflavored aspirin in powder form which is packaged in unit doses providing not more than 15.4 grains of aspirin per dose from requirements for child-resistant packaging. The Commission will decide in March 1990 whether to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41199
NPRM Comment Period End	12/19/88	53 FR 41199
Final Action	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA70

3940. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of October 20, 1988, the Commission proposed a rule under provisions of the Poison Prevention Packaging Act to exempt medroxyprogesterone acetate tablets dispensed in mnemonic packages containing not more than 100 milligrams of the drug from requirements for child-resistant packaging. The Commission published this proposal after granting a petition from Ayerst Laboratories. The Commission will decide in March 1990 whether to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	53 FR 41202
NPRM Comment Period End	12/19/88	53 FR 41202
Final Action	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA71

3941. PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of January 12, 1989, the Commission published a proposed rule under provisions of the Poison Prevention Act to exempt medroxyprogesterone acetate tablets from requirements for child-resistant packaging. The Commission published this proposal after granting a petition from Upjohn Company. The Commission will decide in March 1990 whether to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1187
NPRM Comment Period End	03/13/89	54 FR 1187
Final Action	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA77

3942. APPLICATION FOR EXEMPTION FROM PREEMPTION; PROPOSED RULE

Legal Authority: 15 USC 2075 Consumer Product Safety Act; 15 USC 1261n Federal Hazardous Substances Act; 15 USC 1203 Flammable Fabrics Act; 15 USC 1476 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1061; 16 CFR 1604; 16 CFR 1704

Legal Deadline: None

CPSC — Final Rule Stage

Abstract: In the Federal Register of December 26, 1988, the Commission published a proposed regulation to establish procedures for submission and consideration of applications by state and local governments for exemption from preemption by statutes, standards, and regulations of the Consumer Product Safety Commission. The proposed regulation would implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act which authorize state and local governments to petition the Commission for exemption from preemption of state and local laws by requirements enforced by the Consumer Product Safety Commission, and specify the conditions under which the Commission may grant such petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/28/88	53 FR 52432
NPRM Comment Period End	01/27/89	53 FR 52432
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen Lemberg, Assistant General Counsel, Consumer Product Safety Commission, Office of the General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA82

3943. ● TEST METHODS FOR SIMULATING USE AND ABUSE OF TOYS, GAMES, AND OTHER ARTICLES INTENDED FOR USE BY CHILDREN

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1269 Federal Hazardous Substances Act; 15 USC 2079 Consumer Product Safety Act

CFR Citation: 16 CFR 1500.51; 16 CFR 1500.52; 16 CFR 1500.53

Legal Deadline: None

Abstract: In the Federal Register of December 21, 1989, the Commission proposed amendments of regulations issued under the Federal Hazardous Substances Act to prescribe tests simulating use and abuse of toys and children's articles. The proposed amendments specify asbestos-free vinyl tile for the surface to be used for impact testing rather than asbestos-vinyl tile, which currently is required by the regulations. The Commission has proposed these amendments because vinyl-asbestos tile is no longer generally available, and many manufacturers, importers, and sellers of toys and children's articles want to be able to duplicate the equipment used by the Commission for conducting the use and abuse tests specified by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/21/89	54 FR 52418
NPRM Comment Period End	03/06/90	54 FR 52418
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, Office Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA93

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

3944. METHOD FOR IDENTIFYING TOYS AND OTHER ARTICLES INTENDED FOR CHILDREN UNDER 3 YEARS OF AGE WHICH PRESENT CHOKING, ASPIRATION, OR INGESTION HAZARDS BECAUSE OF SMALL PARTS

CFR Citation: 16 CFR 1501

Completed:

Reason	Date	FR Cite
Proceeding Terminated	03/21/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David W. Thome 301 492-6554

RIN: 3041–AA76

3945. PETITION CP 89-3 FOR SAFETY STANDARD FOR HAND-HELD ELECTRIC HAIR DRYERS

CFR Citation: 00 CFR 00

Completed:

Reason	Date	FR Cite
Final Action Petition denied	02/07/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Glatz 301 492-6554

RIN: 3041–AA79

3946. PETITION PP 88-2 FOR RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR PRODUCTS CONTAINING ACETONITRILE OR SODIUM BROMATE OR POTASSIUM BROMATE

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Petition granted	01/18/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA86

[FR Doc. 90-7244 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLVIII

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department unified agenda of regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations, which it will have under development and review during the period of April 1990 through October 1990.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. The FCA is an independent regulatory agency that is exempt from the provisions of Executive Order 12291. Additionally, FCA regulations, which apply to Farm Credit banks and associations and certain other federally chartered entities, generally do not and will not have a substantial impact on "small entities" as that term is defined in the Regulatory Flexibility Act.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: February 23, 1990.

Jeffrey P. Katz,

Acting Secretary, Farm Credit Administration Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3947	Asset/Liability Management	3052-AB16

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3948	Releasing Information; Fees Imposed on Information Requests	3052-AA05
3949	Organization; Director Compensation	3052-AA09
3950	Organization; Conservatorships and Receiverships	3052-AA92
3951	Debt Collection Act	3052-AB02
3952	Personnel Administration; Human Resources Management	3052-AB08
3953	Loan Policies and Operations	3052-AB09
3954	Eligibility and Scope of Financing	3052-AB10
3955	Application Procedures for Awarding of Costs in Administrative Proceedings	3052-AB11
3956	Organization; Reorganization Authorities for System Institutions	3052-AB12
3957	Loan Policies and Operations	3052-AB13
3958	Corrections in Numerous Sections	3052-AB15
3959	Technical Corrections in all Sections	3052-AB17
3960	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AB18

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3961	Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Coordination; General Provisions; Definitions	3052-AA94
3962	Organization; Service Corporations	3052-AB14

FCA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3963	Personnel Administration; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions: Prior Approvals	3052-AB06
3964	Organization and Functions; Service of Process	3052-AB07

FARM CREDIT ADMINISTRATION (FCA) — Prerule Stage

3947. ● ASSET/LIABILITY MANAGEMENT

Legal Authority: PL 92-181; PL 100-460; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: The Farm Credit Administration is reviewing interest rate risk exposures and asset/liability management practices of Farm Credit institutions.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, Virginia 22102-5090 (703) 883-4020 TDD (703) 883-4444

Agency Contact: Greg Yowell, Senior Financial Analyst, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4371**

RIN: 3052–AB16

FARM CREDIT ADMINISTRATION (FCA) — Proposed Rule Stage

3948. RELEASING INFORMATION; FEES IMPOSED ON INFORMATION REQUESTS

Legal Authority: 12 USC 2243; 12 USC 2252; EO 12600

CFR Citation: 12 CFR 602

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 440
NPRM Comment Period End	02/05/90	55 FR 440

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Ronald H. Erickson, Freedom of Information Officer, Office of Congressional and Public Affairs, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4113**

RIN: 3052–AA05

3949. ORGANIZATION; DIRECTOR COMPENSATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Agricultural Credit Act of 1987 requires revision of FCA regulations to ensure the rights of shareholders to obtain a copy of the district board policy regarding compensation of district directors and also to inspect and copy the supporting records.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43081
NPRM Comment Period End	01/08/88	52 FR 43081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: James T. Judge, Assistant Chief, Human Resources Division, Farm Credit Administration,

1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4135**

RIN: 3052–AA09

3950. ORGANIZATION; CONSERVATORSHIPS AND RECEIVERSHIPS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Resolicitation of comments on a proposed amendment to the definition of insolvency.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43897
NPRM Comment Period End	11/21/88	53 FR 43897

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: **G. Michael Dew**, Chief, Special Projects Division, Office of Regulatory Enforcement, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4447**

RIN: 3052–AA92

3951. DEBT COLLECTION ACT

Legal Authority: 12 USC 2252(a)(10)

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: GAO and Justice have issued standards for issuance of regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: **Rob Brammer**, Chief, Budget & Accounting Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4122**

RIN: 3052–AB02

3952. PERSONNEL ADMINISTRATION; HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Establishes a broader description of the responsibilities and requirements for human resources management in the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: **Stephen Gilbreath**, Chief, Human Resources Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4136**

RIN: 3052–AB08

3953. LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Clarify existing policies and procedures for the establishment of a funding relationship between the Farm Credit banks and their affiliated direct lending institutions. Provide uniform guidelines upon which the general financing agreements, associated with such lending relationships, shall be developed and executed.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
NPRM Resolicitation of Comments	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive. McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: **Dennis Carpenter**, Senior Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB09

3954. ELIGIBILITY AND SCOPE OF FINANCING

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 613

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to borrower eligibility and scope of financing as provided for in the Farm Credit Act of 1971, as amended.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive,

McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB10

3955. APPLICATION PROCEDURES FOR AWARDING OF COSTS IN ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 12 CFR 625

Legal Deadline: None

Abstract: Establish procedures for the submission and consideration of applications for an award of fees and other expenses incurred in adversary adjudications before the Farm Credit Administration pursuant to the Equal Access to Justice Act of 1980, as amended. Would be based on the Model Rules issued by the Administrative Conference of the United States at 1 CFR Part 315 (1986).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Anthony N. Torres, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB11

3956. ORGANIZATION; REORGANIZATION AUTHORITIES FOR SYSTEM INSTITUTIONS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 61

Legal Deadline: None

Abstract: Establish regulations under which a Farm Credit institution can terminate its charter.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/89	54 FR 51763
ANPRM Comment Period End	01/31/90	54 FR 51763
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Robert S. Child, Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4402**

RIN: 3052–AB12

3957. LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Revisions to various regulations relating to existing Farm Credit institutions lending limits and the establishment of lending limits for those Farm Credit institutions created pursuant to the Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
NPRM Resolicitation of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Lori Markowitz, Financial Analyst, Office of Financial Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4426**

RIN: 3052–AB13

3958. ● CORRECTIONS IN NUMEROUS SECTIONS

Legal Authority: PL 100-233

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: Agency intends to review prior approval requirements remaining in regulations and to remove those inconsistent with FCA's role as an arm's length regulator. Where appropriate the agency will substitute specific direction through regulatory standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, Virginia 22102-5090 (703) 883-4020 TDD (703) 883-4444

Agency Contact: John C. Moore, Deputy Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia22102-5090, **703 883-4402**

RIN: 3052–AB15

3959. ● TECHNICAL CORRECTIONS IN ALL SECTIONS

Legal Authority: PL 92-181; PL 100-233; PL 100-399

CFR Citation: 12 CFR 600 to 624

Legal Deadline: None

Abstract: Agricultural Credit Act of 1987, other statutory changes, and

FCA — Proposed Rule Stage

organizational changes have resulted in numerous inconsistencies and technical errors which need to be corrected.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, Virginia 22102-5090 (703) 883-4020 TDD (703) 883-4444

Agency Contact: Patricia W. DiMuzio, Assistant Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB17

3960. ● FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Legal Authority: PL 92-181

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Update capital regulations to address changing conditions including capital requirements for loans sold by Farm Credit institutions to Farmer Mac, and other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, Virginia 22102-5090 (703) 883-4020 TDD (703) 883-4444

Agency Contact: Robert S. Child, Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4189**

RIN: 3052–AB18

FARM CREDIT ADMINISTRATION (FCA) — Final Rule Stage

3961. ELIGIBILITY AND SCOPE OF FINANCING; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; COORDINATION; GENERAL PROVISIONS; DEFINITIONS

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252; 12 USC 2279a

CFR Citation: 12 CFR 613; 12 CFR 614; 12 CFR 615; 12 CFR 616; 12 CFR 618; 12 CFR 619

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AA94

3962. ● ORGANIZATION; SERVICE CORPORATIONS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2096; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; 12 USC 2279aa to 5(e); PL 100-233, Sec 411; ...

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Would accommodate the organization of service corporations under section 4.25 to exercise authority granted under Title VIII of the Farm Credit Act of 1971 to act as a certified mortgage facility to pool and securitize agricultural real estate loans.

Timetable:

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9138
NPRM Comment Period End	03/31/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, Virginia 22102-5090 (703) 883-4020 TDD (703) 883-4444

Agency Contact: John C. Moore, Assistant Director, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB14

FARM CREDIT ADMINISTRATION (FCA)

Completed Actions

3963. PERSONNEL ADMINISTRATION; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS: PRIOR APPROVALS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 612; 12 CFR 614; 12 CFR 615; 12 CFR 618

Legal Deadline: None

Abstract: Eliminates prior approval portions of certain regulations requiring institutions to submit certain proposed policies, procedures, programs and activities to FCA for its approval prior to the institution implementing such policies, procedures, programs and activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/89	54 FR 1149
Final Action	12/11/89	54 FR 50736
Final Action Effective	03/06/90	55 FR 7884

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: John C. Moore, Deputy Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4401**

RIN: 3052–AB06

3964. ORGANIZATION AND FUNCTIONS; SERVICE OF PROCESS

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 600

Legal Deadline: None

Abstract: Establishes the method to be used in order to serve legal process upon the agency, including identification of the agency official designated to receive such process.

Timetable:

Action	Date	FR Cite
Final Action	12/11/89	54 FR 50735
Final Action Effective	03/06/90	55 FR 7884

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary L. Bohlke, Associate General Counsel, Litigation and Enforcement, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB07

[FR Doc. 90-5963 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part XLIX

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; April 1990

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR citations and legal authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167: 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tenecia Moncrief, Office of Managing Director, (202) 632-0923.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "MM Docket 79-164," which indicates that the responsible Bureau is the Mass Media Bureau. When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Donna R. Searcy,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3965	Jurisdictional Separation Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE14
3966	In the Matter of Regulation of the Interstate, Long-Distance Market	3060-AE69

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3967	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06
3968	Jurisdictional Separations Procedures: Reconsideration of the Decision to Exclude Access Revenues From the Allocation of Marketing Expenses	3060-AE07
3969	Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons	3060-AE39
3970	Cellular Resale Policies	3060-AE57
3971	Billing Protection	3060-AE70

FCC

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3972	Satellite Communications	3060-AD70
3973	Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313	3060-AE38
3974	Telephone Company Cable Television Cross-Ownership Rules Sections 63.54-63.56	3060-AE40

COMMON CARRIER BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3975	Jurisdictional Separations: Mixed Use Special Access	3060-AD93
3976	Deregulation of Certain Basic Services	3060-AE02
3977	Regulatory Policies and International Telecommunications: Notice of Inquiry and Proposed Rulemaking	3060-AE03

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3978	LTTS Reallocation	3060-AD67
3979	Cordless Telephones	3060-AD95
3980	Alternative Type Acceptance Procedure	3060-AD99
3981	Verification of Parts 73, 74, and Devices	3060-AE00
3982	Cellular Flexibility	3060-AE15
3983	Proposal to Create a New Air-to-Ground Public Switched Telephone Network (PSTN) Interconnected Service	3060-AE36
3984	Part 15 Measurement Procedures	3060-AE37
3985	Part 15 Measurement Procedures	3060-AE54
3986	Cordless Phone Channel Split	3060-AE61
3987	Personal Communications Technology and Services	3060-AE65
3988	Spread Spectrum Systems	3060-AE66
3989	Preference Rules to Foster New Technology	3060-AE67
3990	Digital LMSS in L-Band Spectrum	3060-AE68

OFFICE OF ENGINEERING AND TECHNOLOGY—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3991	900 MHz G/NG Fixed	3060-AD55
3992	Part 15 Revision	3060-AD68
3993	Lo-Jack Vehicle Recovery System	3060-AE56

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3994	L-Band Reconsideration	3060-AE55

FCC

FIELD OPERATIONS BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3995	In the Matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337)	3060-AE25

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3996	Broadcast EEO: Reconsideration	3060-AD73
3997	Satellite Television Stations	3060-AD79
3998	AM Improvement: Expanded Band	3060-AD92
3999	Wireless Cameras	3060-AE10
4000	FM Translators: Moody Bible: 2nd R&O	3060-AE11
4001	FM Directional Antennas: Reconsideration	3060-AE12
4002	Channels 14/69 Interference: R&O/FNPRM	3060-AE13
4003	FM Translators	3060-AE23
4004	Advanced Television Systems	3060-AE24
4005	FM Zone Consolidation	3060-AE30
4006	Transfer of Control of Non-stock Entities	3060-AE31
4007	Cable System Definition	3060-AE34
4008	AM: Enhanced Nighttime Operation	3060-AE35
4009	AM Improvement: Negotiated Interference Reduction	3060-AE51
4010	Comparative New Criteria	3060-AE52
4011	Syndex for TVROs	3060-AE53
4012	Cable Television Effective Competition	3060-AE71
4013	Transmitter Remote Control Rule Clarification	3060-AE72
4014	MMDS: Amend Rules Re MMDS, OFS and ITFS	3060-AE73

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4015	Comparative Renewal Criteria: 3rd FNOI/NPRM	3060-AE27
4016	AM Improvement: Skywave Propagation	3060-AE28
4017	AM Improvement: Groundwave Propagation	3060-AE29

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4018	Radio Multiple Ownership and Cross Ownership Rules	3060-AD78

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4019	Wireline Common Carriers-Operation of SMRS	3060-AE46
4020	Trunking of Conventional Channels (800 MHz and Above)	3060-AE47
4021	Special Emergency Radio Private Carriers	3060-AE49
4022	Harris Petition-2.5 Channelization Plan	3060-AE58

FCC

PRIVATE RADIO BUREAU—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4023	PR Docket 89-45, Private Carrier Eligibility-Expansion of Eligibility to Permit Licensing of Private Carriers Below 800MHz	3060-AE59
4024	Frequency Coordination-alternatives and Options to the Present Frequency Coordination System	3060-AE60
4025	Use of 200 Channels Outside of DFAs	3060-AE62
4026	Use of 220-222 MHz Band	3060-AE63
4027	Personal Emergency Locator Transmitter Service (PELTS)	3060-AE64

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4028	National Public Safety Plans	3060-AE43

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4029	Subpart M&S Reconsideration	3060-AE42

FEDERAL COMMUNICATIONS COMMISSION (FCC)

COMMON CARRIER BUREAU

Prerule Stage

3965. JURISDICTIONAL SEPARATION PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this Order inviting comments and requests for data, we are seeking information concerning the jurisdictional separations treatment of investment in Cable and Wire Facilities and in Circuit Equipment.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
Order Inviting Comments	10/15/87	52 FR 43206
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286 CC Docket No. 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554, 202 632-7500

RIN: 3060–AE14

3966. ● IN THE MATTER OF REGULATION OF THE INTERSTATE, LONG-DISTANCE MARKET

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 211; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205

CFR Citation: 47 CFR 61; 47 CFR 63

Legal Deadline: None

Abstract: Reexamination of FCC regulation of interstate long-distance market

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James D. Schlichting, Acting, Chief, CCB, Policy & Program Planning Division, Federal Communications Commission, 1919 M St., NW., Rm 544, Washington, DC 20554, 202 632-9342

RIN: 3060–AE69

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Proposed Rule Stage

3967. JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Legal Deadline: None

Abstract: We are seeking comments on the development of other relative use allocators, including Switched Minutes of Use (SMOU) to allocate Central Office Equipment investment included in the Local Switching Equipment Category in the Part 36 Separations Manual.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recom. Decision and Order	04/08/87	
Report and Order	05/01/87	52 FR 17228

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: CC Docket 80-286

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554, 202 632-7500

RIN: 3060–AE06

3968. JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: We are addressing the petitions for reconsideration filed by parties urging the FCC to reconsider its decision to exclude access revenues from the allocation factor for marketing expenses. We also are initiating a further proceeding to reexamine the separations treatment of marketing expenses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket 78-72 CC Docket 80-286 CC Docket 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554, 202 632-7500

RIN: 3060–AE07

3969. ACCESS TO TELECOMMUNICATIONS EQUIPMENT AND SERVICES BY THE HEARING IMPAIRED AND OTHER DISABLED PERSONS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 710

CFR Citation: 47 CFR 68.312(c); 47 CFR 68.4; 47 CFR 68.5; 47 CFR 64.605; 47 CFR 69.118; 47 CFR 69.603

Legal Deadline: Final, Statutory, May 16, 1989. Other, Statutory, July 27, 1989. Hearing Aid Compatibility Act of 1988. Telecommunications Accessibility Enhancement Act of 1988

Abstract: This proceeding consists of two phases; one dealing with the telephone hearing aid compatibility issue and the other addressing the implementation of an interstate relay system for users of telecommunications devices for the deaf (TDDs). In Phase One, consistent with P.L. 100-394, the FCC adopted rules on May 4, 1989, requiring nearly all telephones manufactured in or imported into this country after August 16, 1989, to be hearing aid compatible. On July 27, 1989, the FCC concluded its NOI in Phase Two of this proceeding by finding that an interstate TDD relay system is in the public interest and issuing a FNPRM. The FNPRM offers two approaches for providing interstate relay service: one requiring all interexchange carriers subject to Sec. 69.116(a) of the rules to individually or jointly provide the service, and the other assigning the managerial and operation responsibilities of the system to the National Exchange Carrier Association.

Timetable:

Action	Date	FR Cite
Further NPRM	02/28/89	
Report and Order Phase One - Effective 8/16/89	05/04/89	
Further NPRM Phase Two	07/27/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert James, Electronics Engineer, Federal Communications Commission, 202 634-1831

RIN: 3060–AE39

3970. CELLULAR RESALE POLICIES

Significance: Agency Priority

Legal Authority: 47 USC 201(a); 47 USC 201(b)

CFR Citation: None

Legal Deadline: None

Abstract: The Commission will determine whether to continue to apply its previous resale policies to resale by cellular entities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Abraham Leib, Chief, Legal Branch, Mobile Svcs. Div., Federal Communications Commission, 1919 M St., NW., Washington, DC 20554, 202 632-6450

RIN: 3060–AE57

3971. ● BILLING PROTECTION

Legal Authority: 47 USC 154; 47 USC 155; 47 USC 303

CFR Citation: 47 CFR 68.314(h)

Legal Deadline: None

Abstract: Reconsideration in this proceeding indicates telephone companies are not receiving revenue for certain DID calls to PBXs and PBX-like CPE, due to the failure of this CPE to

return answer supervision. Part 68 of the rules was established to ensure that CPE directly attached to the telephone network causes no harm, including malfunctioning of telephone companies billing equipment. The proposed rule will minimize the number of completed DID calls which are not detected.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
Final Rules	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert James, Electronics Engineer, Federal Communications Commission, **202 634-1831**

RIN: 3060–AE70

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMMON CARRIER BUREAU

Final Rule Stage

3972. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record and to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	52 FR 6175
ANPRM Comment Period End	11/01/87	
Order	12/00/90	
Final Action	12/00/90	
Final Action Effective	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalee Gorman or Fern Jarmulnek, Staff Attorneys, Federal Communications Commission, 2025 M Street, NW., Room 6324, Washington, DC 20554, **202 634-1624**

RIN: 3060–AD70

3973. POLICY AND RULES CONCERNING RATES FOR DOMINANT CARRIERS, CC DOCKET NO. 87-313

Significance: Agency Priority

Legal Authority: 47 USC 154(j); 47 USC 154(i); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 303(r); 47 USC 403; 5 USC 553

CFR Citation: 47 CFR 1.773; 47 CFR 61.3; 47 CFR 61.32; 47 CFR 61.33; 47 CFR 61.38; 47 CFR 61.49; 47 CFR 61.41; 47 CFR 61.42; 47 CFR 61.43; 47 CFR 61.44; 47 CFR 61.45; 47 CFR 61.47; 47 CFR 61.58; 47 CFR 65.701; 47 CFR 65.1; ...

Legal Deadline: None

Abstract: The Commission has adopted final rules that implement price cap regulation for American Telephone and Telegraph Company. The price cap rules replace rate of return regulation, which sets limits on carrier earnings, with a system of regulation that directly limits the prices a carrier can charge for service. The Commission found that price cap regulation will provide incentive for AT&T to become more efficient and innovative, and will benefit consumers by creating a system that will result in aggregate prices that are lower than aggregate prices would have been under rate or return. The Commission has also adopted a Second Further Notice of Proposed Rulemaking containing a specific plan for implementing a modified form of price cap regulation for local exchange carriers' interstate rates.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 33962
NPRM Comment Period End	02/17/88	
Further Notice of Proposed Ruling	05/23/88	53 FR 22356
FNPRM Public Comment Period End	08/26/88	53 FR 22356
Report and Order	03/16/89	54 FR 19836
Second FNPRM	03/16/89	54 FR 19846
Report and Order	06/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Brown, Senior Attorney, Tariff Division, Federal Communications Commission, **202 632-5550**

RIN: 3060–AE38

3974. TELEPHONE COMPANY CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 215; 47 USC 218; 47 USC 220; 47 USC 309(e) to 309(h); 47 USC 313; 47 USC 405; 47 USC 412; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56; 47 CFR 63.57; 47 CFR 63.58

Legal Deadline: None

Abstract: This proceeding addresses the statutory restrictions which prohibit telephone companies from providing cable television service within their telephone service areas. The FCC has tentatively concluded that the statutory restrictions should be repealed. The Commission solicited comments and will decide whether to recommend to

FCC—CCB **Final Rule Stage**

Congress whether the restrictions should be repealed. The Commission also issued an NPRM to modify the standards of affiliation between cable companies and telephone companies.

Timetable:

Action	Date	FR Cite
Further NOI and NPRM	09/22/88	53 FR 38042
R&O	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick J. Donovan, Attorney, Federal Communications Commission, 2025 M St., NW., RM 6008, Washington, DC 20554, 202 634-1832

RIN: 3060–AE40

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMMON CARRIER BUREAU

Completed Actions

3975. JURISDICTIONAL SEPARATIONS: MIXED USE SPECIAL ACCESS

CFR Citation: 47 CFR 36; 47 CFR 69

Completed:

Reason	Date	FR Cite
Final Action	07/20/89	54 FR 31032
Final Action Effective	02/14/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claudia Pabo 202 632-4047

RIN: 3060–AD93

3976. DEREGULATION OF CERTAIN BASIC SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 1.48; 47 CFR 1.49; 47 CFR 1.419

Completed:

Reason	Date	FR Cite
Withdrawn - proceeding terminated by the Commission.	01/11/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Melissa Newman 202 632-4047

RIN: 3060–AE02

3977. REGULATORY POLICIES AND INTERNATIONAL TELECOMMUNICATIONS: NOTICE OF INQUIRY AND PROPOSED RULEMAKING

Significance: Agency Priority

CFR Citation: 47 CFR 63.01; 47 CFR 63.701; 47 CFR 68.226; 47 CFR 63.703; 47 CFR 63.10; 47 CFR 63.702; 47 CFR 68.01; 47 CFR 69.01

Completed:

Reason	Date	FR Cite
Final Action	01/04/90	
Final Action Effective	01/04/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William J. Kirsch 202 632-4047

RIN: 3060–AE03

FEDERAL COMMUNICATIONS COMMISSION (FCC) OFFICE OF ENGINEERING AND TECHNOLOGY

Proposed Rule Stage

3978. LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Legal Deadline: None

Abstract: Reallocation of the Local Television Transmission Service (LTTS) from the 11.7-12.2 GHz band to the 14.2-14.4 GHz band. This reallocation is designed to permit improved frequency sharing between the LTTS and the fixed-satellite services.

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	
R&O	06/01/89	
Petition for Reconsideration	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-136

Agency Contact: Ray LaForge, Federal Communications Commission, 2025 M Street, NW., Room 7328, Washington, DC 20554, 202 653-8117

RIN: 3060–AD67

3979. CORDLESS TELEPHONES

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15; 47 CFR 68

Legal Deadline: None

Abstract: Petition from NTIA requesting that the Commission require the use of coding to address the problem of false dialing will be addressed concurrently

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	
R&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-605

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 653-7314

RIN: 3060–AD95

FCC—OET

Proposed Rule Stage

3980. ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	
NPRM Comment Period End	02/25/88	
R&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 85-171

Agency Contact: Hector Davis, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, 301 725-1585

RIN: 3060–AD99

3981. VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Legal Deadline: None

Abstract: Proposal for relaxation of the rules to change the equipment authorization procedure for certain devices subject to Parts 73, 74, and 78 from notification to the less burdensome verification procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	02/01/88	
R&O	12/30/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-552

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 653-8107

RIN: 3060–AE00

3982. CELLULAR FLEXIBILITY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22

Legal Deadline: None

Abstract: Proceeding will investigate approach to relax technical standards for new cellular spectrum at 800 MHZ in order to provide flexibility to licensees for implementation of new technologies and new service offerings.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	
R&O	12/12/88	
MO&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-390

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 653-8116

RIN: 3060–AE15

3983. PROPOSAL TO CREATE A NEW AIR-TO-GROUND PUBLIC SWITCHED TELEPHONE NETWORK (PSTN) INTERCONNECTED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend Parts 2 and 22 and/or Parts 2 and 90 of its rules to permit use of four megahertz of reserve spectrum at 849/851/894-896 MHz for an air-to-ground telephone service. This action also proposes licensing policies and technical guidelines for the air-to-ground service.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	
NPRM Comment Period End	04/27/88	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 88-96

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE36

3984. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to revise the Commission's Measurement Procedure (MP-4) recommended for testing of computing devices, based on the Part 15 revision in Docket No. 87-389, and on a proposal by CBEMA to revise the MP.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	
FNPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-44

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE37

3985. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: In support of the revision of Part 15, MP-12 (intentional radiators above 30 MHz); MP-14 (unintentional radiators above 30 MHz); and MPs 1 and 11 (remote control and security devices) will be revised to conform with the new format and prepared as separate NPRMs.

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	
R&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 89-116,89-117,89-118

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE54

3986. CORDLESS PHONE CHANNEL SPLIT

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to permit cordless telephone operation on channels that are offset from currently specified channels.

Timetable:

Action	Date	FR Cite
NPRM	01/17/90	
R&O	09/28/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 89-626

Agency Contact: Ray LaForge, Federal Communications Commission, 301 653-8117

RIN: 3060–AE61

3987. ● PERSONAL COMMUNICATIONS TECHNOLOGY AND SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: Cellular 21, Inc. and PCN America, Inc. petitions, seeking changes to the rules to provide allocations and operating rules to provide allocations and operating rules for new personal communication technologies and services. Cellular 21 requests allocation of 940-941 MHz for CT-2 services and PCN America (Millicom) requests allocations in the 1700-2300 MHz band for personal communications network operations.

Timetable:

Action	Date	FR Cite
NPRM	05/24/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM-7140, RM7175

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-8112

RIN: 3060–AE65

3988. ● SPREAD SPECTRUM SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 15; 47 CFR 2

Legal Deadline: None

Abstract: Amendment of Part 15 of the rules to modify rules for the unlicensed operation of spread spectrum systems. Changes to technical standards will provide additional flexibility to designers of these systems and clarify the Commission's intention for their operation.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	
R&O	04/19/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 89-354

Agency Contact: Joe McNulty, Federal Communications Commission, 301 725-1585

RIN: 3060–AE66

3989. ● PREFERENCE RULES TO FOSTER NEW TECHNOLOGY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Geller/Lampert application for review of Chief Engineer's dismissal of a petition seeking to explore changes in the Commission's Rules that could foster introduction and development of new communications technologies by providing preference in licensing to their developers.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	
R&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE67

3990. ● DIGITAL LMSS IN L-BAND SPECTRUM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Geostar Messaging Corp. petition to establish a Digital Land Mobile Satellite Service in the L-Band maritime-mobile-satellite spectrum. Geostar proposes an exclusively digital LMSS in the 1530-1544/1626.5-1645.5 MHz bands.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	
R&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM-6459

Agency Contact: Damon Ladson, Federal Communications Commission, 202 653-8106

RIN: 3060–AE68

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Final Rule Stage

3991. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 1; 47 CFR 21; 47 CFR 22; 47 CFR 74; 47 CFR 94

Legal Deadline: None

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-944 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
NPRM Comment Period End	11/02/87	
R&O	02/28/89	
MO&O	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M Street, NW., Room 7332, Washington, DC 20554, 202 653-8116

RIN: 3060–AD55

3992. PART 15 REVISION

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A comprehensive revision of Part 15 which proposes to allow marketing and use of a greater variety of devices, and to reduce the regulatory burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	
NPRM Comment Period End	05/09/88	
R&O	04/18/89	
MO&O	02/28/90	
MO&O	03/30/90	
MO&O	04/12/90	
MO&O	05/25/90	
MO&O	06/27/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 87-389

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, NW., Room 7122, Washington, DC 20554, 202 653-7313

RIN: 3060–AD68

3993. LO-JACK VEHICLE RECOVERY SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 90

Legal Deadline: None

Abstract: In response to petition from Lo-Jack Corporation, allocate 173.075 MHz for a stolen vehicle recovery system.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	
R&O	10/16/89	
MO&O	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 88-566

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-8112

RIN: 3060–AE56

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3994. L-BAND RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
Final Action MO&O	08/04/89	
Final Action Effective	08/04/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ray Laforge 202 653-8117

RIN: 3060–AE55

FEDERAL COMMUNICATIONS COMMISSION (FCC)
FIELD OPERATIONS BUREAU

Proposed Rule Stage

3995. IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 154(j); 47 USC 302; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 25

Legal Deadline: NPRM, Statutory, October 20, 1986. Other, Statutory, September 14, 1987.
Further Notice of Proposed Rulemaking

Abstract: This proceeding looks to establish a means by which radio emissions might be encoded with a distinct automatically transmitted identifier to benefit orderly management of the radio spectrum by identifying the source of radio frequency interference to other radio signals. For video satellite uplink stations regulated under Part 25 of the Commission's rules, it proposes rules regarding such identifiers. There are no significant alternatives being considered that are consistent with

stated objectives. Every operator of a satellite video uplink would be required to purchase and operate a device to insert identification on all transmissions. Approximately 1,000 stations would be involved. Each encoder would cost under $2000. Operating upkeep expenses should be minimal.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 32223
Further NPRM	07/09/87	52 FR 26538
R&O	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Hudak, Chief, Signal Analysis Branch, Federal Communications Commission, Enforcement Division, Room 744, 1919 M St., NW., Washington, DC 20554, 202 632-6977

RIN: 3060–AE25

FEDERAL COMMUNICATIONS COMMISSION (FCC) Proposed Rule Stage

MASS MEDIA BUREAU

3996. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Legal Deadline: None

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	
R&O	04/16/87	
MO&O	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AD73

3997. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.3555

Legal Deadline: None

Abstract: Report and Order to establish policy with respect to television satellite stations.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-421 NPRM

Agency Contact: Andrew Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AD79

3998. AM IMPROVEMENT: EXPANDED BAND

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 2.106; 47 CFR 90.17

Legal Deadline: None

Abstract: NPRM proposing rules for implementing broadcast service on 1,605- 1,705 kHz added to the AM radio band pursuant to changes made to the frequency allocation tables of the International Radio Regulations by the 1979 World Administrative Radio Conference and the subsequent Regional Agreement and associated Broadcasting Plan included in the Final Acts of the Second Session of the Regional Administrative Radio Conference on the expanded AM band.

Timetable:

Action	Date	FR Cite
FNOI	02/25/88	
NPRM	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: William Hassinger, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 632-6460

RIN: 3060–AD92

3999. WIRELESS CAMERAS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.602; 47 CFR 74.604; 47 CFR 74.636; 47 CFR 74.637; 47 CFR 74.802

Legal Deadline: None

Abstract: Proposal to permit low power wireless cameras to operate on vacant UHF and VHF TV channels.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	
NPRM Comment Period End	05/04/87	
FNPRM	05/04/87	
R&O	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: MM-85-36(a)

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 632-9660

RIN: 3060–AE10

4000. FM TRANSLATORS: MOODY BIBLE: 2ND R&O

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.501; 47 CFR 74.531; 47 CFR 74.532; 47 CFR 74.1231

FCC—MMB

Proposed Rule Stage

Legal Deadline: None

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by parties other than their primary station.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	
R&O	12/31/88	
2nd R&O	06/00/90	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Additional Information: mmb-311 RM-5219

Agency Contact: Tatsu Kondo, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 632-6302

RIN: 3060–AE11

4001. FM DIRECTIONAL ANTENNAS: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.315; 47 CFR 73.316

Legal Deadline: None

Abstract: The Commission will address concerns expressed in six petitions for reconsideration. Four petitions request minor changes in the technical rules adopted in this proceeding. Two others completely oppose the new rules.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	
R&O	12/12/88	
MO&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 632-9660

RIN: 3060–AE12

4002. CHANNELS 14/69 INTERFERENCE: R&O/FNPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 304

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: In the Report and Order the Commission will consider spacing criteria for TV applicants for channel 14 or 69 in order to protect adjacent band land mobile operations. The Further Notice would propose rules to permit flexible use of channels 14 and 69.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	
NPRM Comment Period End	10/20/87	
NOI/NPRM	10/20/87	
FNPRM/R&O	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Marilyn Mohrman-Gillis, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, 202 632-7792

RIN: 3060–AE13

4003. FM TRANSLATORS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.1202; 47 CFR 74.1203; 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.1235

Legal Deadline: None

Abstract: The NOI in this proceeding initiated a study of the role of FM translators in the radio broadcast service. The objective of this proceeding is to examine and, where necessary or appropriate, to revise FCC policy regarding the authorization and operation of FM translators consistent with the Commission's overall allocations plan. In this NPRM, the Commission will consider modification of the FM translator rules.

Timetable:

Action	Date	FR Cite
NOI	03/24/88	
NPRM/MO&O	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Judy Herman, Federal Communications Commission, 202 632-6302

RIN: 3060–AE23

4004. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r)

CFR Citation: 47 CFR 73.610; 47 CFR 73.682; 47 CFR 73.687

Legal Deadline: None

Abstract: FCC will consider whether it should make final the six tentative findings of the 1st FNOI and its decision to mandate a single transmission standard. FCC will also seek comment on the advantages and disadvantages of: protecting existing LPTV/TV translator spectrum allocated for educational TV expansion; reserving spectrum for future advances in ATV if an EDTV system is ultimately selected; setting ATV receiver standards; and restricting eligibility for supplemental ATV spectrum.

Timetable:

Action	Date	FR Cite
Tentative Decision/FNOI	09/01/88	
Policy Statement/2nd FNOI	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: RM-5811 NOI

Agency Contact: William Hassinger, Federal Communications Commission, 202 632-6460

RIN: 3060–AE24

4005. FM ZONE CONSOLIDATION

Significance: Agency Priority

Legal Authority: 47 USC 303(e); 47 USC 303(f)

CFR Citation: 47 CFR 73.207; 47 CFR 73.210; 47 CFR 73.211; 47 CFR 73.506; 47 CFR 73.1690

Legal Deadline: None

Abstract: FCC will consider elimination of zone distinctions between classes FM station nationwide, thereby providing additional opportunities for

incremental upgrades. Class B and B1 station antenna height would be increased. Class A maximum power would be 6kW. Proceeding would restore engineering integrity to the allotment/assignment standards.

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	
NPRM Comment Period End	06/20/88	
R&O	03/30/89	
FNPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Julie Pendergast, Federal Communications Commission, 202 632-9660

RIN: 3060–AE30

4006. TRANSFER OF CONTROL OF NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider a Notice of Inquiry concerning Commission treatment of corporations and other organizational structures that are not traditional commercial corporations.

Timetable:

Action	Date	FR Cite
NOI	03/16/89	
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marilyn Mohrman-Gillis, Federal Communications Commission, 202 632-7792

RIN: 3060–AE31

4007. CABLE SYSTEM DEFINITION

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 522(a); 47 USC 522(b)

CFR Citation: 47 CFR 76.5

Legal Deadline: None

Abstract: The Commission will consider a Report and Order determining whether to change its definition of a CATV system.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
R&O	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, Federal

Agency Contact: Barrett Brick, Federal Communications Commission, 202 254-3407

RIN: 3060–AE34

4008. AM: ENHANCED NIGHTTIME OPERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.21

Legal Deadline: None

Abstract: Proposal to permit Class II and III stations to enhance nighttime operations by establishing a separate nighttime antenna system at a daytime site or at a new site without having to comply with city-coverage or minimum operating hour requirements imposed on primary service stations.

Timetable:

Action	Date	FR Cite
NPRM	10/13/88	
NPRM Comment Period End	10/13/88	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steve Selwyn, Federal Communications Commission, 202 632-9660

RIN: 3060–AE35

4009. AM IMPROVEMENT: NEGOTIATED INTERFERENCE REDUCTION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The R&O considers the Commission policy of "grandfathering" deleted AM facilities prescribing contingent applications, accepting competing applications against all AM major change applications, and the feasibility of establishing a minimum service floor.

Timetable:

Action	Date	FR Cite
R&O	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Robert Hayneer, Federal Communications Commission, 202 634-6530

RIN: 3060–AE51

4010. COMPARATIVE NEW CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r); 47 USC 309(i)

CFR Citation: 47 CFR 73.3584; 47 CFR 1.1601

Legal Deadline: None

Abstract: The Commission has proposed implementing a random lottery procedure (random selection) for new AM, FM and television stations in lieu of the present comparative hearing process.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	
NPRM Comment Period End	01/30/89	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AE52

4011. SYNDEX FOR TVROS

Significance: Agency Priority

Legal Authority: 47 USC 712

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission will consider the feasibility of imposing

syndicated programming exclusivity rules for satellite carriage of broadcast signals and to adopt such rules if feasible.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	
NPRM Comment Period End	05/30/89	
R&O	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060–AE53

4012. ● CABLE TELEVISION EFFECTIVE COMPETITION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 543(b)(3)

CFR Citation: 47 CFR 76.33

Legal Deadline: None

Abstract: Reexamination of the effective competition standard for the regulation of Cable Television basic service rates.

Timetable:

Action	Date	FR Cite
NPRM	01/11/90	
R&O	06/30/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, Federal

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AE71

4013. ● TRANSMITTER REMOTE CONTROL RULE CLARIFICATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.1350; 47 CFR 73.1410; 47 CFR 73.1500; 47 CFR 73.1550; 47 CFR 73.1580

Legal Deadline: None

Abstract: Proceeding will clarify transmitter remote control and monitoring responsibilities. The Commission will consider relaxing the rule pertaining to the distance a transmitter must be from the duty operator.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: H. VanDeursen, Federal Communications Commission, 202 632-9660

RIN: 3060–AE72

4014. ● MMDS: AMEND RULES RE MMDS, OFS AND ITFS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 21; 47 CFR 43; 47 CFR 74; 47 CFR 78; 47 CFR 94

Legal Deadline: None

Abstract: NPRM to modify rules in the MDS, OFS and ITFS services in order to enhance the commercial availability of MDS service and its competitiveness in the video entertainment marketplace.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: Gen 90-113 PR 88-191

Agency Contact: B. Romano, Federal Communications Commission, 202 632-9356

RIN: 3060–AE73

FEDERAL COMMUNICATIONS COMMISSION (FCC)
MASS MEDIA BUREAU

Final Rule Stage

4015. COMPARATIVE RENEWAL CRITERIA: 3RD FNOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 311(d); 47 USC 309(e)

CFR Citation: 47 CFR 73.3525; 47 CFR 73.3584

Legal Deadline: None

Abstract: FNOI/FNPRM seeking comment on a content-independent standard for renewal expectancy and other comparative criteria for use in comparative hearings for license renewal.

Timetable:

Action	Date	FR Cite
FNOI	06/23/88	
Policy Statement	03/30/89	
FNOI/FNPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: M. Mohrman-Gillis, Federal Communications Commission, 202 632-7792

RIN: 3060–AE27

4016. AM IMPROVEMENT: SKYWAVE PROPAGATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.190

Legal Deadline: None

Abstract: The Commission will consider the skywave propagation model using a formula rather than a curve; adjusting for geometric latitude; using a slant distance; using 8 decibels to convert from 50 percent to 10 percent skywave field strength.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	
R&O	06/00/90	

FCC—MMB **Final Rule Stage**

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John McNally, Federal Communications Commission, 202 632-9660

RIN: 3060–AE28

4017. AM IMPROVEMENT: GROUNDWAVE PROPAGATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.183; 47 CFR 73.184

Legal Deadline: None

Abstract: The Commission will consider proposals to refine its rules for calculating groundwave field strength contours including replacement of current groundwave curves with new curves and deferring update of ground conductivity map M3.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John McNally, Federal Communications Commission, 202 632-9660

RIN: 3060–AE29

FEDERAL COMMUNICATIONS COMMISSION (FCC) MASS MEDIA BUREAU

Completed Actions

4018. RADIO MULTIPLE OWNERSHIP AND CROSS OWNERSHIP RULES

Significance: Agency Priority

CFR Citation: 47 CFR 73.3555

Completed:

Reason	Date	FR Cite
Final Action MO&O adopted.	08/02/89	
Final Action Effective	08/02/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tatsu Kondo 202 632-6302

RIN: 3060–AD78

FEDERAL COMMUNICATIONS COMMISSION (FCC) PRIVATE RADIO BUREAU

Proposed Rule Stage

4019. WIRELINE COMMON CARRIERS-OPERATION OF SMRS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed amending Subpart S of Part 90 to permit wireline common carriers to be eligible to apply for a license in the SMRS.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	01/22/86	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Freda Thyden, Federal Communications Commission, 202 634-2443

RIN: 3060–AE46

4020. TRUNKING OF CONVENTIONAL CHANNELS (800 MHZ AND ABOVE)

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed to amend the rules to increase the number of frequencies available for trunked technology.

Timetable:

Action	Date	FR Cite
NOI	06/10/87	52 FR 25265
NPRM	12/12/88	54 FR 1967

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: John Borkowski, Federal Communications Commission, 202 634-2443

RIN: 3060–AE47

4021. SPECIAL EMERGENCY RADIO PRIVATE CARRIERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.35

Legal Deadline: None

Abstract: The FCC adopted a proposal allowing private carriers to be licensed in the Special Emergency Radio Service. Petitions have been filed to reconsider private carrier aspect and modify MED channel restriction.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 35281
NPRM Comment Period End	09/18/87	
R&O	05/18/88	53 FR 25607
MO&O	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Irene Bleiweiss, Federal Communications Commission, 202 634-2443

RIN: 3060–AE49

4022. HARRIS PETITION-2.5 CHANNELIZATION PLAN

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 94

Legal Deadline: None

Abstract: The FCC proposes rechannelization of the 2450-2483.5 MHz band based on narrow channels with the option to combine or "stack" adjacent channels to achieve greater bandwidths.

Timetable:

Action	Date	FR Cite
NPRM	05/10/89	54 FR 24006
NPRM Comment Period End	06/05/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Mike Lewis, Federal Communications Commission, 202 634-2443

RIN: 3060–AE58

4023. PR DOCKET 89-45, PRIVATE CARRIER ELIGIBILITY-EXPANSION OF ELIGIBILITY TO PERMIT LICENSING OF PRIVATE CARRIERS BELOW 800MHZ

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Expansion of eligibility to permit licensing of private carriers in any service below 800 MHz.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 14109
NPRM Comment Period End	04/07/89	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Irene Bleweiss, Federal Communications Commission, 202 634-2443

RIN: 3060–AE59

4024. FREQUENCY COORDINATION-ALTERNATIVES AND OPTIONS TO THE PRESENT FREQUENCY COORDINATION SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Proposals or options to change present frequency coordination system.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Freda Thyden, Federal Communications Commission, 202 634-2443

RIN: 3060–AE60

4025. ● USE OF 200 CHANNELS OUTSIDE OF DFAS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The Commission is proposing to amend the rules to facilitate more flexible use of the 200 channels allocated in the 200 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	55 FR 744
NPRM Comment Period End	01/09/90	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Joseph Levin, Federal Communications Commission, 202 632-6497

RIN: 3060–AE62

4026. ● USE OF 220-222 MHZ BAND

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The Commission is proposing to amend Part 90 to provide for the use of 220-222 MHz band. This proceeding proposes service rules for the band.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	55 FR 328
NPRM Comment Period End	01/04/90	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Eugene Thomson, Federal Communications Commission, 202 634-2443

RIN: 3060–AE63

4027. ● PERSONAL EMERGENCY LOCATOR TRANSMITTER SERVICE (PELTS)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 95

Legal Deadline: None

Abstract: The FCC is proposing to amend its rule to establish a Personal Emergency Locator Transmitter Services to provide individuals in remote areas with a means of alerting others of an emergency situation and helping search and rescue personnel locate those in distress.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	55 FR 315
NPRM Comment Period End	01/04/90	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Shaffer, Industry Analyst, Federal Communications Commission, 202 632-7197

RIN: 3060–AE64

FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU

Final Rule Stage

4028. NATIONAL PUBLIC SAFETY PLANS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules to meet the telecommunications requirements of state and local public safety authorities. As regional plans are filed, the Bureau, in conjunction with OET, will make them available for public comment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Maureen Cesaitis, Federal Communications Commission, 202 632-6497

RIN: 3060–AE43

FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU

Completed Actions

4029. SUBPART M&S RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
MO&O	01/04/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Irene Bleiweiss 202 634-2443

RIN: 3060–AE42

[FR Doc. 90-6996 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part L

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the April 1990 regulatory agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled, "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), which was enacted on August 9, 1989, contains reforms that significantly restructure Federal deposit insurance and the regulation of financial institutions. As a consequence, many of the regulations included in this agenda are in response to FIRREA.

Interested persons may petition the FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: February 16, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4030	12 CFR 304 Prior Notice by Insured Banks of Intent To Directly or Indirectly Engage in a New Banking Activity and of Intent To Acquire or Establish a Subsidiary	3064-AA29
4031	12 CFR 356 Insider Transactions—Conflicts of Interest	3064-AA94

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4032	12 CFR 355 Salary Offset	3064-AA93
4033	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
4034	12 CFR 304 Prior Notice of Rapid Growth in Insured Banks	3064-AA88
4035	12 CFR 328 Advertisement of Membership	3064-AA95
4036	12 CFR 325 Capital Maintenance - Mortgage Servicing Rights	3064-AB04
4037	12 CFR 323 Real Estate Appraisal Standards	3064-AB05
4038	12 CFR 334 Contracts Adverse to Safety and Soundness of Insured Depository Institutions	3064-AB06

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4039	12 CFR 330 Deposit Insurance Coverage	3064-AB01
4040	12 CFR 303 Change in Senior Executive Officer or Board of Directors	3064-AB02
4041	12 CFR 303 Applications and Notices by Savings Associations	3064-AB03
4042	12 CFR 354 Deposit Liabilities	3064-AA92
4043	12 CFR 337 Brokered Deposits in Undercapitalized Insured Depository Institutions	3064-AB00

FDIC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4044	12 CFR 312 Assessment of Fees Upon Entrance to or Exit From the Bank Insurance Fund or the Savings Association Insurance Fund	3064-AA99

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4045	12 CFR 309 Disclosure of Information	3064-AA65
4046	12 CFR 311 Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
4047	12 CFR 338 Fair Housing	3064-AA81
4048	12 CFR 335 Securities of Insured Nonmember Banks	3064-AA45
4049	12 CFR 327 Assessments	3064-AA96
4050	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA98
4051	12 CFR 303 Delegations of Authority to Act on Applications	3064-AA84
4052	12 CFR 330 Insurance Coverage; Unit Investment Trust	3064-AA73
4053	12 CFR 330 Clarification and Definition of Deposit Insurance Coverage	3064-AA68
4054	12 CFR 565 Insurance Termination Provisions	3064-AA97

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

4030. PRIOR NOTICE BY INSURED BANKS OF INTENT TO DIRECTLY OR INDIRECTLY ENGAGE IN A NEW BANKING ACTIVITY AND OF INTENT TO ACQUIRE OR ESTABLISH A SUBSIDIARY

Legal Authority: 12 USC 1816; 12 USC 1817; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1820; 12 USC 1821(f)

CFR Citation: 12 CFR 304; 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is considering amending its regulations to require any insured State nonmember bank to provide 30-day prior written notice to the regional director of the FDIC region in which the bank is located of the bank's intent to engage in a new banking activity and of its intent to acquire or establish a subsidiary. The planned rule also would require notice to the regional director of the FDIC region in which the bank is located not more than 10 days after the activity is started or the subsidiary is established or acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel M. Gautsch, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6912

RIN: 3064–AA29

4031. INSIDER TRANSACTIONS—CONFLICTS OF INTEREST

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1820; 12 USC 1821(f)

CFR Citation: 12 CFR 356

Legal Deadline: None

Abstract: The FDIC staff is considering whether to recommend to the Board of Directors that it amend its regulations to require any state-chartered nonmember bank and FDIC-insured foreign branch to adopt written guidelines governing all insider transactions beyond loans. Staff expects to recommend that the planned rule would require that no covered institution may enter into a business transaction with an insider (as defined) unless: (i) it is made on substantially the same terms as those prevailing at the time for comparable transactions, (ii) the board of directors or trustees states in writing that the business transaction is for the benefit of the bank and is not merely an accommodation to a bank insider, and (iii) the transaction does not present unfavorable features which may be detrimental to the bank's interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel M. Gautsch, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington DC 20429, 202 898-6912

RIN: 3064–AA94

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

4032. SALARY OFFSET

Legal Authority: 5 USC 5514; 12 USC 1819

CFR Citation: 12 CFR 355

Legal Deadline: None

Abstract: The FDIC is planning to propose new regulations to implement salary offset procedures required by 5 USC 5514 and 5 CFR 550, Subpart K. The proposal would set out procedures to be used by the FDIC to offset the salary of any FDIC employee who is indebted to the United States and refuses to pay voluntarily. The proposal would also enumerate procedures through which the FDIC may request another agency to offset the salary of one of its employees to satisfy a debt that employee may owe the FDIC.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine N. Lundblad, Personnel Management Specialist, Office of Personnel Management, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8857

RIN: 3064–AA93

4033. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None

Abstract: The FDIC expects to propose an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Harvey, Review Examiner (Trust Specialist), Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6762

RIN: 3064–AA30

4034. PRIOR NOTICE OF RAPID GROWTH IN INSURED BANKS

Legal Authority: 5 USC 552; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820

CFR Citation: 12 CFR 304

Legal Deadline: None

Abstract: The FDIC plans to substitute for its current regulation on reporting fully insured brokered deposits and fully insured deposits placed directly by other depository institutions (12 CFR 304.6) a new requirement calling for the reporting of planned rapid growth by certain limited means such as the solicitation and acceptance of brokered deposits, out-of-territory deposits and borrowings. The report would describe the volume, sources and anticipated uses of the funds to be borrowed.

Timetable:

Action	Date	FR Cite
NPRM	04/05/89	54 FR 13693
NPRM Comment Period End	06/05/89	
NPRM - Revised	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Hrindac, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6892

RIN: 3064–AA88

4035. ADVERTISEMENT OF MEMBERSHIP

Legal Authority: 12 USC 1819; 12 USC 1828(a); PL 101-73, Sec 221

CFR Citation: 12 CFR 328

Legal Deadline: None

Abstract: The FDIC has issued a final rule amending its regulation regarding advertisement of membership in order to comply with the requirements of section 221 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") (see 54 FR 33669, August 16, 1989). Because the FDIC acted under a statutory deadline, the final rule established only those requirements that were considered to be the minimum necessary to comply with FIRREA. The FDIC is now considering additional amendments to the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	08/16/89	54 FR 33716
ANPRM Comment Period End	10/16/89	
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3812

RIN: 3064–AA95

4036. ● CAPITAL MAINTENANCE - MORTGAGE SERVICING RIGHTS

Legal Authority: 12 USC 1464; 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 3907; 12 USC 3909; PL 101-73, Sec 225

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: This proposed rule would restrict the amount of purchased mortgage servicing rights that savings associations can recognize when calculating the amount of regulatory capital under the tangible capital standard issued by the Office of Thrift Supervision. The proposed rule would also place restrictions on the amount of purchased mortgage servicing rights that state nonmember banks can recognize in their regulatory capital calculations. The rule would implement section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

FDIC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4616
NPRM Comment Period End	04/10/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8904

RIN: 3064–AB04

4037. ● REAL ESTATE APPRAISAL STANDARDS

Legal Authority: 12 USC 1819; PL 101-73, Sec 1110

CFR Citation: 12 CFR 323

Legal Deadline: NPRM, Statutory, February 9, 1990. Final, Statutory, August 9, 1990.

Abstract: The proposed rule would implement the mandate of section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") that requires each Federal financial institutions regulatory agency and the Resolution Trust Corporation to prescribe appropriate standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of each such agency or instrumentality. These standards must be in conformance with the provisions of title XI (REAL ESTATE APPRAISAL REFORM AMENDMENTS) of FIRREA.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6266
NPRM Comment Period End	04/23/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Miailovich, Assistant Director, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6918

RIN: 3064–AB05

4038. ● CONTRACTS ADVERSE TO SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS

Legal Authority: 12 USC 1818; 12 USC 1819; PL 101-73, Sec 225

CFR Citation: 12 CFR 334

Legal Deadline: None

Abstract: The proposed rule would implement section 225 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") that requires the FDIC to prescribe regulations as may be necessary to prevent any insured depository institution from entering into contracts that adversely affect the safety or soundness of the institution.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael D. Jenkins, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6896

RIN: 3064–AB06

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Final Rule Stage

4039. ● DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1819; 12 USC 1821; 12 USC 1822; PL 101-73, Sec 402(c)(3)

CFR Citation: 12 CFR 330; 12 CFR 331

Legal Deadline: Final, Statutory, May 19, 1990.

Abstract: The FDIC has proposed amending its existing deposit insurance regulations (12 CFR Parts 330 and 331) to clarify and define the extent of insurance coverage afforded by the FDIC to deposit accounts maintained with FDIC-insured banks. These amendments were proposed pursuant to section 402(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

Timetable:

Action	Date	FR Cite
NPRM	12/21/89	54 FR 52399
NPRM Comment Period End	02/20/90	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude A. Rollin, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3985

RIN: 3064–AB01

4040. ● CHANGE IN SENIOR EXECUTIVE OFFICER OR BOARD OF DIRECTORS

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607; PL 101-73, Sec 914

CFR Citation: 12 CFR 303; 12 CFR 308

Legal Deadline: None

Abstract: This interim rule implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") by requiring insured nonmember banks which fall within specified categories to file a notice with the FDIC prior to adding or replacing a member of the board of directors or employing or changing the responsibilities of an individual to a position as a senior executive officer.

Comments were accepted on this interim rule for 60 days following publication, after which time the FDIC will issue a final rule based on the comments.

Timetable:

Action	Date	FR Cite
Interim Rule	12/27/89	54 FR 53040
Interim Rule Effective	12/27/89	

FDIC **Final Rule Stage**

Action	Date	FR Cite
Interim Rule Comment Period End	02/26/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karl R. Krichbaum, Chief, Special Situations and Applications Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6758

RIN: 3064–AB02

4041. ● APPLICATIONS AND NOTICES BY SAVINGS ASSOCIATIONS

Legal Authority: 12 USC 378; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 15 USC 1607; PL 101-73, Sec 221; PL 101-73, Sec 222

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: This interim rule implements sections 221 and 222 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") by establishing interim application and notice procedures that impose new restrictions on savings and loan association powers.

Comments were accepted on the interim rule for 60 days following publication, after which time the FDIC will issue a final rule based on the comments.

Timetable:

Action	Date	FR Cite
Interim Rule	12/29/89	54 FR 53540
Interim Rule Effective	12/29/89	
Interim Rule Comment Period End	02/28/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel E. Austin, Review Examiner, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6774

RIN: 3064–AB03

4042. DEPOSIT LIABILITIES

Legal Authority: 12 USC 1813; 12 USC 1819

CFR Citation: 12 CFR 354

Legal Deadline: None

Abstract: The FDIC issued for public comment a proposed regulation expanding the definition of the term "deposit." The proposed rule would find that a bank's liability on a promissory note, bond, acknowledgement of advance, or similar obligation that is issued or undertaken by the insured bank as a means of obtaining funds is a deposit liability.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47723
NPRM Comment Period End	01/24/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger A. Hood, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3681

RIN: 3064–AA92

4043. ● BROKERED DEPOSITS IN UNDERCAPITALIZED INSURED DEPOSITORY INSTITUTIONS

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2); PL 101-73, Sec 224

CFR Citation: 12 CFR 337

Legal Deadline: None

Abstract: Section 224 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") prohibits the acceptance or renewal of brokered deposits by any undercapitalized insured depository institution (bank or thrift) after December 7, 1989, except on specific application to and waiver of the prohibition by the FDIC. The interim rule gives the circumstances under which a waiver from the prohibition may be granted.

The FDIC solicited comments on this interim rule with a view towards possible revision or modification at a later date. The interim rule will "sunset" or terminate automatically in six months following its publication unless modified or replaced by a final rule prior to that time.

Timetable:

Action	Date	FR Cite
Interim Rule	12/12/89	54 FR 51012
Interim Rule Effective	12/12/89	
Interim Rule Comment Period End	02/12/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Hrindac, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6892

RIN: 3064–AB00

4044. ● ASSESSMENT OF FEES UPON ENTRANCE TO OR EXIT FROM THE BANK INSURANCE FUND OR THE SAVINGS ASSOCIATION INSURANCE FUND

Legal Authority: 12 USC 1815(d); 12 USC 1819; PL 101-73, Sec 206(a)(7)

CFR Citation: 12 CFR 312

Legal Deadline: None

Abstract: The FDIC adopted interim rules that prescribe entrance and exit fees to be paid by insured depository institutions that participate in certain "conversion transactions" authorized by section 206(a)(7) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Conversion transactions involve transfers or switches between the two deposit insurance funds: the Bank Insurance Fund ("BIF") and the Savings Association Insurance Fund ("SAIF"). One rule, published on October 2, 1989, at 54 FR 40377, set entrance fees for "SAIF-to-BIF" conversion transactions. Another rule, published on December 26, 1989, at 54 FR 52923, established the fee structure for "BIF-to-SAIF" conversion transactions. A third rule, that is expected to be adopted soon, will prescribe the exit fee for "SAIF-to-BIF" conversion transactions.

The public has been invited to comment on the fee structure set forth in the interim rules. Final rules will be issued following the expiration of the public comment period.

FDIC — Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	
INTERIM RULE/REQUEST FOR COMMENTS		
Entrance Fees - "SAIF-to-BIF"	10/02/89	(54 FR 40377)
Entrance/Exit Fees - "BIF-to-SAIF"	12/26/89	(54 FR 52923)
Exit Fees - "SAIF-to-BIF"	03/21/90	(55 FR 10406)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3812

RIN: 3064–AA99

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

4045. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819; PL 101-73, Sec 204(c)(1)

CFR Citation: 12 CFR 309

Legal Deadline: None

Abstract: The FDIC amended its regulation regarding the disclosure of information to conform to changes required by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). In general, the amendment makes changes in nomenclature to comply with the provisions of FIRREA.

Timetable:

Action	Date	FR Cite
Final Action	11/03/89	54 FR 46363
Final Action Effective	11/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Jane Williamson, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3713

RIN: 3064–AA65

4046. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819; PL 96-221, Sec 207(b); PL 101-73, Sec 204(c)(1)

CFR Citation: 12 CFR 311

Legal Deadline: None

Abstract: The FDIC amended its regulation that implements the policy of the "Government in the Sunshine Act" to reflect changes in nomenclature as well as changes in the composition of the FDIC's Board of Directors as a result of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

Timetable:

Action	Date	FR Cite
Final Action	09/22/89	54 FR 38964
Final Action Effective	09/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patti C. Fox, Counsel and Special Assistant to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3719

RIN: 3064–AA66

4047. ● FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820(b); 15 USC 1691; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Legal Deadline: None

Abstract: The FDIC amended its fair housing regulation to incorporate the changes made by the Fair Housing Amendments Act of 1988. Those changes involve expanding the coverage of the Fair Housing Act to prohibit discriminatory housing practices based on handicap and familial status and prohibit discrimination in "residential real estate-related transactions," as defined in the law.

Timetable:

Action	Date	FR Cite
Final Action	12/26/89	54 FR 52929
Final Action Effective	12/26/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. McCormick, Fair Lending Analyst, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3538

RIN: 3064–AA81

4048. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The FDIC has issued such conforming amendments based on recent rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30976
NPRM Comment Period End	09/25/89	
Final Action	12/29/89	54 FR 53571
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William F. Sullivan, Senior Financial Analyst, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8903

RIN: 3064–AA45

FDIC

Completed Actions

4049. ● ASSESSMENTS

Legal Authority: 12 USC 1817; PL 101-73, Sec 208

CFR Citation: 12 CFR 327

Legal Deadline: None

Abstract: The FDIC amended Part 327 of its regulations in response to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). With respect to insured banks, the final rule continues the existing procedures for filing certified statements and making assessment payments. With respect to insured savings associations, the final rule prescribes new procedures for filing certified statements and making assessment payments.

Due to a need to clarify the assessment procedures quickly, the FDIC made the rule effective December 15, 1989, without formally seeking public comment in advance. However, the FDIC will consider any public comments received by January 16, 1990, in order to determine whether the new rule should be revised.

Timetable:

Action	Date	FR Cite
Final Action with comments requested	12/15/89	54 FR 51372
Final Action Effective	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William V. Farrell, Assistant Chief, Assessments Unit, Div. of Accounting and Corporate Services, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6564

RIN: 3064–AA96

4050. ● APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607; PL 101-73

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC amended Part 303 of its regulations in response to the requirements of the Financial Institutions Reform , Recovery, and Enforcement Act of 1989 ("FIRREA"). The final rule also clarifies and, in some cases, modifies some delegations of authority for acting on a variety of applications (e.g., mergers, insurance fund conversions, branches, relocations, deposit insurance, trust and other banking powers, changes in control, management interlocks, and other applications).

Timetable:

Action	Date	FR Cite
Final Action Effective	12/12/89	
Final Action	12/29/89	54 FR 53551

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Douglas Birdzell, Special Counsel to the Deputy General Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3716

RIN: 3064–AA98

4051. DELEGATIONS OF AUTHORITY TO ACT ON APPLICATIONS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC is preparing final amendments to Part 303 of its rules and regulations to clarify and, in some cases, to modify the delegations of authority for acting on a variety of applications (e.g., mergers, branches, relocations, deposit insurance, trust and banking powers, change in control, and management interlocks). The amendments do not alter any rights or obligations of any person, bank, or other applicant.

Timetable:

Action	Date	FR Cite
Merged with RIN 3064-AA98	12/29/89	54 FR 53551

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy L. Alper, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064–AA84

4052. INSURANCE COVERAGE; UNIT INVESTMENT TRUST

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: The FDIC proposed amending Part 330 of its rules and regulations. Under the proposed rule, unit investment trusts would no longer be treated as corporations for purposes of insurance coverage limits where deposits in any one insured bank are insured to the maximum of $100,000. Instead, the proposal, if adopted, would result in deposit insurance up to $100,000 as to each beneficial owner of the trust's deposits.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39746
NPRM Comment Period End	12/12/88	
Merged with RIN 3064-AB01	12/21/89	54 FR 52399

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Douglas Birdzell, Special Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3716

RIN: 3064–AA73

4053. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
Merged with RIN 3064-AB01	12/21/89	54 FR 52399

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. William Via, Jr., Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3733**

RIN: 3064–AA68

4054. INSURANCE TERMINATION PROVISIONS

Legal Authority: 12 USC 1464; 12 USC 1727; 12 USC 1730

CFR Citation: 12 CFR 565

Legal Deadline: None

Abstract: The Bank Board is reviewing a number of issues relating to the extent to which institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") that terminate their insured status in connection with transfers by operation of law must pay a final insurance premium to the FSLIC. As part of its review, the Bank Board solicited public comment to ascertain whether to issue a proposal in this area. On October 7, 1986, the Bank Board adopted a clarifying amendment to the definition of "transfers" set forth in its statement of policy regarding mergers and transfers of assets. (12 CFR 571.5(a)). However, as the clarification indicates, the interpretation did not specifically address the separate issues of whether an insured institution undertaking a transfer of assets and liabilities by operation of law in which the surviving entity is not FSLIC-insured must pay a final insurance premium to the FSLIC, and if so, the amount of such payment. The Bank Board has been reviewing this so-called "exit premium" issue on an ongoing basis and as yet has made no final determination with respect to this matter. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17408
ANPRM Comment Period End	07/07/87	52 FR 17408
Merged with RIN 3064-AA99	10/18/89	54 FR 42799

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Notice was given on October 18, 1989, at 54 FR 42799, that 12 CFR 565 was among the regulations transferred to the FDIC as a result of the restructuring of the Federal banking agencies following the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). The issues described in the preceding paragraph will be addressed in the FDIC's regulation 12 CFR 312, ASSESSMENT OF FEES UPON ENTRANCE TO AND EXIT FROM THE BANK INSURANCE FUND OR THE SAVINGS ASSOCIATION INSURANCE FUND. See RIN 3064-AA99 elsewhere in this regulatory agenda.

Formerly reported under FHLBB RIN 3068-AA28

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Div., Ofc of Gen'l Counsel, FHLBB, Federal Deposit Insurance Corporation, 1700 G Street, NW., Washington, DC 20552, **202 906-6963**

RIN: 3064–AA97

[FR Doc. 90-5964 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LI

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 90-03, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 15 rulemakings listed, 11 are current and projected rulemakings and 4 are completed actions.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See the various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Lois D. Cashell,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

4055. STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 12674

CFR Citation: 18 CFR 3c

Legal Deadline: None

Abstract: This rulemaking proceeding would update and revise the Commission's Standards of Conduct for employees and Commissioners consistent with new government-wide regulations to be adopted by the Office of Government Ethics. Docket No. RM88-8-000.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB01

4056. BLANKET SALES CERTIFICATES FOR FIRST SELLERS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982); EO 12009 3 CFR 1978 Comp., p. 142; 15 USC 3301 to 3432 (1982); 42 USC 7101 to 7352 (1982)

CFR Citation: 18 CFR 270; 18 CFR 271

Legal Deadline: None

Abstract: The proposed rule would grant blanket sales authority to first sellers of natural gas (except gas marketers) to make sales for resale in interstate commerce. Marketers would be required to apply individually for this authorization. The rule would eliminate virtually all of the certificate and filing requirements presently applicable to these sales. (This NOPR would consolidate Docket No. RM88-20-000 into this rule.) Docket No. RM89-2-000.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB11

4057. REGULATIONS GOVERNING SUBMITTAL OF PROPOSED HYDROPOWER LICENSE CONDITIONS, AND OTHER MATTERS

Significance: Agency Priority

Legal Authority: 16 USC 792a et seq (1982 and Supp. 1987) Federal Power Act; 16 USC 661 et seq (1982) Fish and Wildlife Coordination Act; 42 USC 4321 et seq (1982) National Environmental Policy Act

CFR Citation: 18 CFR 1

Legal Deadline: None

Abstract: This rulemaking will propose improvements in the coordination between the Commission and Federal and State fish and wildlife agencies concerning appropriate conditions and other measures to be taken in proceedings on the granting of licenses to applicants for hydroelectric facilities subject to the Commission's jurisdiction. Docket No. RM89-7-000.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB12

4058. ● REVISIONS TO REGULATIONS GOVERNING CERTIFICATES FOR CONSTRUCTION

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982); 15 USC 3301 to 3432 (1982)

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 284

Legal Deadline: None

Abstract: This rulemaking will consider amendments to various Commission regulations that govern certificate authority for construction of natural gas pipeline facilities. Docket No. RM90-1-000.

FERC **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB15

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

4059. 5-YEAR TAKE-OR-PAY MAKE-UP PROVISIONS IN NATURAL GAS PRODUCER-PIPELINE CONTRACTS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009 (1978) 3 CFR Part 142; 31 USC 9701 (1970) Independent Offices Approp. Act

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: This notice of proposed rulemaking would eliminate the requirement in the Commission's regulations that a gas gas purchase contract between an independent natural gas producer and an interstate natural gas pipeline must allow the pipeline a minimum 5-year make-up period in which to take gas for which payment has already been made. The Commission believes that this requirement, established in 1967, may no longer be necessary in light of current efforts by pipelines and producers to resolve take-or-pay issues and to enter into market-responsive contracts for future gas supplies. (See Docket No. RM89-2-000.) Docket No. RM88-20-000.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 27704
NPRM Comment Period End	08/15/88	53 FR 27704

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB08

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Final Rule Stage

4060. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 791a to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: The proposed rule would provide that the cash working capital requirements of a public utility that files an electric rate schedule will be presumed to be zero dollars, and thus will not affect the utility's rate base, unless the utility shows there is a significant difference between the time it pays certain current operating expenses and the time it receives revenues from ratepayers. The proposed rule would establish a threshold standard that must be met to support a cash working capital adjustment to a utility's rate base, the expense elements to be considered in calculating cash working capital adjustments to rate base, and criteria applicable to studies submitted in support of a request for an adjustment to rate base. Docket No. RM84-9-000.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	06/04/84	49 FR 14384
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AA33

4061. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982); EO 12009 3 CFR 142 (1978); 31 USC 9701 (1982); 16 USC 7919 to 8252 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations providing guidelines for state regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities (QFs) under section 210 of PURPA. Docket No. RM88-5-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9323
NPRM Comment Period End	06/14/88	53 FR 9323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AA98

FERC — Final Rule Stage

4062. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 3401; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791a to 828c (1982); 15 USC 3301 to 3432 (1982); 16 USC 2601 to 2645 (1982); 49 USC 1 to 27 (1976)

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of non-traditional utility suppliers, called independent power producers (IPPS). The proposed regulations would: (1) authorize rates for IPPS to be determined through competitive bidding or rate negotiation subject to a price cap, thereby freeing IPPS from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness: (2) authorize IPPS to file rate schedules without having to provide extensive cost support; (3) exempt IPPS from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPS; (5) provide the blanket prior authorizations to engage in certain corporate activities; and (6) adopt certification procedures to qualify as an IPP. Docket No. RM88-4-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9327
NPRM Comment Period End	06/16/88	53 FR 9327
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AA99

4063. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: PL 99-495; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 31 USC 9701 (1982); 16 USC 791a to 825r (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission proposed to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities (QFs). Docket No. RM 88-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9331
NPRM Comment Period End	06/14/88	53 FR 9331
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB00

4064. REGULATIONS GOVERNING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978, Comp., p. 142; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Util. Regulatory Pol. Act

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission proposed to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. Docket No. RM88-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 31021
NPRM Comment Period End	10/27/88	53 FR 31021
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-5597

RIN: 1902–AB07

4065. REGULATIONS IMPLEMENTING THE NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

Significance: Agency Priority

Legal Authority: 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 272.103

Legal Deadline: None

Abstract: This final rule makes technical amendments to the Commission's regulations to implement the Natural Gas Wellhead Decontrol Act of 1989. Docket No. RM89-16-000.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	01/16/89	54 FR 51902
NPRM	12/19/89	54 FR 51902
Final Action	04/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202 357-8530

RIN: 1902–AB14

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Completed Actions

4066. FEES FOR HYDROPOWER PROJECTS

CFR Citation: 18 CFR 381

Completed:

Reason	Date	FR Cite
No action expected in the next 12 months	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA48

4067. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

CFR Citation: 18 CFR 2; 18 CFR 284.10; 18 CFR 284.8; 18 CFR 284.9; 18 CFR 2.104; 18 CFR 2.105

Completed:

Reason	Date	FR Cite
Final Action	12/21/89	54 FR 52394
Final Action Effective	01/22/90	54 FR 52394

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrea Wolfman 202 357-8448

RIN: 1902–AA97

4068. OPTIONAL CERTIFICATES FOR CONSTRUCTION RELATED TO TRANSPORTATION

Significance: Agency Priority

CFR Citation: 18 CFR 157

Completed:

Reason	Date	FR Cite
No action expected in the next 12 months.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB03

4069. BROKERING OF INTERSTATE NATURAL GAS PIPELINE CAPACITY

Significance: Agency Priority

CFR Citation: 18 CFR 284; 18 CFR 385

Completed:

Reason	Date	FR Cite
No action expected in the next 12 months	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB06

[FR Doc. 90-5965 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part LII

Federal Housing Finance Board

Semiannual Regulatory Agenda

FEDERAL HOUSING FINANCE BOARD (FHFB)

FEDERAL HOUSING FINANCE BOARD

12 CFR Ch. IX

[90-42]

Agenda of Federal Regulations

AGENCY: Federal Housing Finance Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Housing Finance Board (FHFB) hereby publishes items for the "Unified Agenda of Federal Regulations." These items reflect the status of the regulatory agenda of the FHFB as of March 20, 1990.

The FHFB is an independent regulatory agency created by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) Pub. L. 101-73, 103 Stat. 183 (August 9, 1989). The FHFB succeeded to the former Federal Home Loan Bank Board (Bank Board) as the regulatory overseer of the Federal Home Loan Bank System (Bank System). The FIRREA provided that all outstanding regulations and orders of the former Bank Board would remain in effect unless superseded by law or the successor agency. Many of the Bank Board's regulations were transferred by the FHFB to chapter IX of title 12 of the Code of Federal Regulations. The FHFB has also promulgated new regulations concerning the recently instituted Affordable Housing Program associated with the Bank System and is concerned with an ongoing regulatory program of implementing changes to the Federal Home Loan Banks' operations and organizations to reflect changes mandated by the FIRREA.

ADDRESS: Office of Administration, Attention: Federal Register Liaison Officer, Room 707, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Charles Szlenker, Attorney, Office of General Counsel, Room 703, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, (202) 408-2554.

Dated: March 20, 1990.
By the Federal Housing Finance Board:

Arnold Intrater,

General Counsel.

FEDERAL HOUSING FINANCE BOARD (FHFB) — Prerule Stage

4070. ● COMMUNITY INVESTMENT PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B; 12 USC 1430(i)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Pursuant to section 721 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 423, the Federal Home Loan Banks must establish a Community Investment Program ("Program") which will provide funds, through Bank advances (loans) to a Bank's member institutions at interest rates equal to interest rates on Federal Home Loan Bank consolidated bonds or notes having comparable maturity dates with the advances. These advances will be used by the member institutions to provide funding for community-oriented development projects or housing. These regulations will continue the commitment of the Federal Home Loan Banks to community development lending.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local

Agency Contact: Steve Johnson, Attorney-Adviser, Office of Housing Finance Programs, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 906-6318

RIN: 3069–AA05

4071. ● BANK REQUEST FOR INFORMATION

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B; 12 USC 1442

CFR Citation: 12 CFR 931.14

Legal Deadline: None

Abstract: Section 719 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 422, amended Section 22 of the Federal Home Loan Bank Act (12 USC 1442) and mandates that the Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System, Office of Thrift Supervision, Comptroller of the Currency, National Credit Union Administration and the Treasury Department share examination reports or other records or data, in confidence, with the Federal Home Loan Banks at their request. The FHFB is proposing to promulgate regulations which will establish a procedure regarding the confidentiality of these examination reports and other records or data while in the possession of a Federal Home Loan Bank.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA06

4072. ● ADVANCES TO MEMBERS

Significance: Agency Priority

Legal Authority: 12 USC 1430; 12 USC 1422B

CFR Citation: 12 CFR 935.1; 12 CFR 935.6; 12 CFR 935.7

Legal Deadline: None

Abstract: The FHFB proposes to amend its regulations pertaining to advances (loans) made by the Federal Home Loan Banks ("Banks") to their member institutions. The proposed regulations will carry forward certain of the prior policy statements and regulations and also, implement new provisions of the

FHFB **Prerule Stage**

Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, 103 Stat. 183 (1989). However, long-term advances may only be made for the purposes of providing funds for residential housing finance. Advances will be secured by eligible collateral consisting of (1) fully disbursed, whole first mortgages on improved residential property, or securities representing such mortgages; (2) securities issued or guaranteed by the United States Government or any agency thereof; (3) deposits in a Federal Home Loan Bank; and (4) certain other real estate related collateral. Advances available to members that are not Qualified Thrift Lenders, pursuant to FIRREA, are limited to advances for the purpose of residential housing finance.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Sheehan, Office of Bank Operations, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 906-6351

RIN: 3069–AA08

FEDERAL HOUSING FINANCE BOARD (FHFB) — Final Rule Stage

4073. ● ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS: ELIGIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1422B; 12 USC 1427

CFR Citation: 12 CFR 932.14

Legal Deadline: None

Abstract: The FHFB is amending its rules governing eligibility requirements for directors of the Federal Home Loan Banks ("Banks"). These changes are being implemented in order to comply with the recently enacted provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 183, which substantially changed the eligibility requirements for appointive and elective directors. Bank directors appointed by FHFB may no longer have a financial interest in a member institution of a Bank. Bank directors elected by the member institutions must come from member institutions that meet their applicable minimum regulatory capital requirements. The regulations also address eligibility requirements and financial procedures for both elected, appointed and the new positions of community interest directors.

The FHFB adopted its new regulations as an interim rule effective January 5, 1990, but it provided for a comment period on its interim regulations until March 5, 1990, with a view towards making revisions and enacting a final rule at (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/05/90	
Interim Final Rule	01/16/90	55 FR 1393
Interim Final Rule Comment Period End	03/05/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: a future date.

Agency Contact: Amy Maxwell, Deputy Director, Office of Bank Operations, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 906-7865

RIN: 3069–AA03

4074. ● AFFORDABLE HOUSING PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B; 12 USC 1430; 12 USC 1441B

CFR Citation: 12 CFR 906

Legal Deadline: None

Abstract: The Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA") Pub. L. 101-73, 103 Stat. 183, enacted on August 9, 1989, requires that each Federal Home Loan Bank ("Bank) establish an Affordable Housing Program ("Program"). The FIRREA added a new section 10(j) to the Federal Home Loan Bank Act, providing that each Bank establish a program to give advances (loans) to its members at subsidized, lower than market rate, interest rates if such advances are used by the Bank's member institutions to lend funds for long-term mortgages on very low-, low- or moderate-income, owner occupied housing or affordable rental housing. The Programs established pursuant to FIRREA is designed to strengthen the traditional commitment of the Federal Home Loan Bank System to the nation's housing needs by providing subsidized advances (loans) to its member lending institutions for the purpose of passing those subsidies to borrowers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/02/90	55 FR 7479
Interim Final Rule Effective	03/02/90	
Interim Final Rule Comment Period End	05/01/90	
Final Action	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Richard Tucker, Deputy Director, Office of Housing Finance Programs, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 906-6211

RIN: 3069–AA04

FEDERAL HOUSING FINANCE BOARD (FHFB) — Completed Actions

4075. ● ESTABLISHMENT OF CHAPTER IX AND REDESIGNATION OF REGULATIONS FROM CHAPTER V

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B

CFR Citation: 12 CFR Ch. IX

Legal Deadline: None

Abstract: The FHFB, as one of several successor agencies to the former Federal Home Loan Bank Board, transferred various regulations from Chapter V of title V of the Code of Federal Regulations to a new Chapter IX of title V, Code of Federal Regulations. The FHFB accomplished this task in order to continue certain regulations, promulgated by the former Federal Home Loan Bank Board, in effect without the need to repromulgate numerous regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/05/89	54 FR 36757
Final Action Effective	09/05/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2554

RIN: 3069–AA00

4076. ● NOMENCLATURE CHANGES: MISCELLANEOUS CONFORMING AND TECHNICAL AMENDMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B

CFR Citation: 12 CFR 910.1 (Revised); 12 CFR 910.5 (Amended); 12 CFR 910.6 (Amended); 12 CFR 912.4 (Amended); 12 CFR 931.3 (Revised); 12 CFR 933.5(b) (Amended); 12 CFR 933.6 (Removed); 12 CFR 933.14 (Removed); 12 CFR 934.3 (Amended); 12 CFR 934.5 (Amended); 12 CFR 934.6 (Amended); 12 CFR 935.1 (Amended); 12 CFR 935.33 (Amended); 12 CFR 936.1 (Amended); 12 CFR 939.8 (Amended); ...

Legal Deadline: None

Abstract: Pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 183, the FHFB as a successor agency to the former Federal Home Loan Bank Board ("Bank Board") transferred many of the former Bank Board's regulations, located at chapter V of title 12, Code of Federal Regulations, to the FHFB's chapter IX of title 12, Code of Federal Regulations. These regulations followed up that action by making various technical changes to the transferred regulations, such as removing obsolete references to the former Bank Board or Federal Savings and Loan Insurance Corporation or references to paragraph sections at chapter V.

Timetable:

Action	Date	FR Cite
Final Action	01/23/90	55 FR 2228
Final Action Effective	01/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Ghizzoni, Office of Administration, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2574

RIN: 3069–AA01

4077. ● ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B; 12 USC 1425b; 12 USC 1425; 12 USC 1426; 12 USC 1427

CFR Citation: 12 CFR 932.8 (Revised); 12 CFR 932.9 (Revised); 12 CFR 932.10 (Revised); 12 CFR 932.11 (Revised); 12 CFR 932.12 (Revised); 12 CFR 932.13 (Revised); 12 CFR 932.14 (Revised); 12 CFR 932.15 (Revised); 12 CFR 932.16 (Revised); 12 CFR 932.17 (Removed)

Legal Deadline: None

Abstract: Previous to the creation of the FHFB, pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, 103 Stat. 189, the former Federal Home Loan Bank Board ("Bank Board") regulated the Federal Home Loan Banks ("Banks"), including the election of their boards of directors. During the enactment of the FIRREA, Congress considered making significant changes to the composition of the Banks' boards of directors. In anticipation of that development, the former Bank Board suspended the election of new directors to the twelve Banks' boards of directors. The FHFB needed to promulgate a temporary new schedule of elections to effectively accomplish the election of directors to the boards of the twelve Banks. This temporary schedule expires on June 14, 1990.

Timetable:

Action	Date	FR Cite
Post-Final Rule Comment Period Until	11/15/89	
Final Action Effective	09/15/90	
Final Action	09/19/90	54 FR 38590

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Although these rules were promulgated in final form, without a proposed rulemaking notice or comment period before becoming final rules, they were issued with a post-enactment comment period of 60 days.

Section 932.17 of title 12, Code of Federal Regulations is removed, effective June 15, 1990.

Agency Contact: William Carey, Office of Bank Operations, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 906-6656

RIN: 3069–AA02

4078. ● OFFICE OF THRIFT SUPERVISION ASSESSMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1467; 12 USC 1468; 12 USC 1422B

CFR Citation: 12 CFR 934.14

Legal Deadline: None

Abstract: Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 316, amends section 9(f) of the Home Owners Loan Act of 1933 and requires the Federal Home Loan Banks ("Banks"), to collect fees and assessments levied by the Office of Thrift Supervision, on savings associations that are members of the Banks. This regulation permits the Banks to collect and remit these fees or assessments to the Office of Thrift Supervision.

FHFB **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	09/05/89	54 FR 36760
Final Action Effective	09/05/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Gray, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2555

RIN: 3069–AA07

4079. ● FINANCING CORPORATION: OPERATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1422A; 12 USC 1422B; 12 USC 1441(b)

CFR Citation: 12 CFR 950 (New)

Legal Deadline: None

Abstract: The Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, 103 Stat. 183, amended the role of the Financing Corporation, a mixed ownership government corporation chartered by the former Federal Home Loan Bank Board ("Bank Board") pursuant to the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987. The Financing Corporation ("FICO") is now subject to the rules and regulations of the FHFB, as the successor to the former Bank Board. These regulations clarify the role of the FICO and establish its operating procedures including its capital assessments and the establishment of its reserve accounts and reports to the FHFB.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/13/89	
Final Action	09/19/89	54 FR 38592

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Gray, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, 202 408-2552

RIN: 3069–AA09

[FR Doc. 90-6997 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part LIII

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified agenda of federal regulations.

SUMMARY: Pursuant to section 5 of Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration during the period from April 1, 1990, to March 31, 1991, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of E.O. 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's unified regulatory agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4080	Automated Tariff Filing	3072-AA61
4081	User Fees to Recover Agency Costs	3072-AA70
4082	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
4083	Cancellation of Tariffs for Failure to Either File Anti-Rebate Certifications or Publish Appropriate Notices in Tariffs	3072-AB09
4084	Rates, Charges and Services Provided at Marine Terminal Facilities	3072-AB17
4085	Petition for Tariff Rule To Eliminate "Per Container" Rates (P4-89)	3072-AB19
4086	Petition for Tariff Rule on Maximum Container Weights (P3-89)	3072-AB20
4087	Exemption for Vehicles	3072-AB28

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4088	Equipment Interchange Agreements - Tariff Publication of Free Time and Detention Charges - Docket No. 89-4	3072-AB14
4089	Security for the Protection of the Public—Maximum Required Performance Amount	3072-AB24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4090	Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes - Docket No. 88-19	3072-AB04
4091	Definition of "Shipper" and Availability of Mixed Commodity Rates	3072-AB18
4092	Miscellaneous Amendments to Rules of Practice and Procedure	3072-AB23

FMC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4093	Index of Documents for Agreements	3072-AA64
4094	Independent Action - Miscellaneous Provisions	3072-AA83
4095	Rates Quoted Subject to Booking	3072-AA86
4096	Petition for Section 16 Exemption - Cruise Lines International Association (P2-89)	3072-AB21
4097	Inquiry Into Laws, Regulations and Policies of the Government of Ecuador - Docket No. 89-07	3072-AB22
4098	Exemption for Puerto Rico Service	3072-AB25
4099	Service Contracts - Discount Provisions - Docket No. 89-19	3072-AB26
4100	Security for the Protection of the Public—Deviations from Standard Form Language	3072-AB27

FEDERAL MARITIME COMMISSION (FMC)

Prerule Stage

4080. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717; 31 USC 9701

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: The Commission is developing an Automated Tariff Filing and Information System ("ATFI"), whereby tariff data can be filed, processed and retrieved electronically. This action is being considered to establish regulations governing the system and appropriate user fees.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to Form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
Notice of Inquiry on System Functionality	12/22/87	52 FR 48504
Further Notice	06/13/88	53 FR 22048
Second Report on System Functionality	12/29/88	53 FR 52785
End Review	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA61

4081. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA70

4082. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA93

4083. CANCELLATION OF TARIFFS FOR FAILURE TO EITHER FILE ANTI-REBATE CERTIFICATIONS OR PUBLISH APPROPRIATE NOTICES IN TARIFFS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1709; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 580; 46 CFR 582

FMC

Prerule Stage

Legal Deadline: None

Abstract: Rule would minimize noncompliance with the requirements to file Anti-Rebate Certifications (46 CFR 582) and to publish anti-rebate provisions in tariffs (46 CFR 580.5(c)(2)).

Timetable:

Action	Date	FR Cite
Begin Review	12/27/87	
End Review	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB09

4084. RATES, CHARGES AND SERVICES PROVIDED AT MARINE TERMINAL FACILITIES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC app 816; 46 USC app 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 515; 46 CFR 525; 46 CFR 530; 46 CFR 560; 46 CFR 572

Legal Deadline: None

Abstract: Docket No. 90-6. Action would adopt certain recommendations of the report in Fact Finding No. 17 and solicits public comment on a potential restructuring of marine terminal operator regulations.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/90	55 FR 5626
Fact Finding Investigation No. 17 Discontinued	02/16/90	55 FR 5656
ANPRM Comment Period End	04/17/90	55 FR 5627

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB17

4085. PETITION FOR TARIFF RULE TO ELIMINATE "PER CONTAINER" RATES (P4-89)

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a tariff rule to eliminate "per container" rates from the TransPacific Westbound Freight Agreement, American Trucking Associations, and ATA Intermodal Council.

Timetable:

Action	Date	FR Cite
Notice of Petition	08/24/89	54 FR 35246

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB19

4086. PETITION FOR TARIFF RULE ON MAXIMUM CONTAINER WEIGHTS (P3-89)

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a tariff rule on maximum container weights from the South Europe/USA Freight Conference, American Trucking Associations, and ATA Intermodal Council.

Timetable:

Action	Date	FR Cite
Notice of Petition	08/24/89	54 FR 35246

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB20

4087. ● EXEMPTION FOR VEHICLES

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Petition of Motor Vehicle Manufacturers Association for section 16 exemption of motorized vehicles in lots of more than a certain number of vehicles from tariff and service contract provisions. P6-89

Timetable:

Action	Date	FR Cite
Notice of Petition	10/05/89	54 FR 41161

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB28

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

4088. EQUIPMENT INTERCHANGE AGREEMENTS - TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES - DOCKET NO. 89-4

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841; 46 USC app 843; 46 USC app 845a; 46 USC app 847; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; ...

CFR Citation: 46 CFR 550; 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would provide guidelines for filing equipment interchange agreement tariffs and similar provisions in service contracts. This will simplify the filing of equipment interchange agreements.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5506
Extension of Comment Period	03/17/89	54 FR 11249
NPRM Comment Period End	03/20/89	54 FR 5507
Comment Period End	04/04/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Legal Authority Cont: 46 USC app 1718

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB14

4089. ● SECURITY FOR THE PROTECTION OF THE PUBLIC—MAXIMUM REQUIRED PERFORMANCE AMOUNT

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 817e; 46 USC app 820(a); 46 USC app 841a; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Docket No. 90-1. Action would eliminate the $10,000,000 ceiling for the maximum required performance amount of financial responsibility for passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/19/90	55 FR 1850
NPRM Comment Period End	04/04/90	55 FR 6807

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert G. Drew, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB24

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

4090. PRACTICES OF OCEAN COMMON CARRIERS REGARDING EFFECTIVE DATE OF RATE CHANGES - DOCKET NO. 88-19

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Requested rule would state that tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent prior to the effective date of the tariff provision.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	12/30/87	52 FR 49205
End Review	06/01/88	
NPRM	08/30/88	53 FR 33153
Extend time for comments to 11/01/88	10/04/88	53 FR 38969
NPRM Comment Period End	10/14/88	
Final Action	04/02/89	
Final Action	05/10/89	54 FR 20127
Effective Date Stayed Until Further Notice	07/10/89	54 FR 29036

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB04

4091. DEFINITION OF "SHIPPER" AND AVAILABILITY OF MIXED COMMODITY RATES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Docket No. 89-20. Action implements report in Fact Finding Investigation No. 15 and would define "Shipper" and govern the availability of mixed commodity rates.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40891
NPRM Comment Period End	01/03/90	54 FR 50001
Final Action	06/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB18

FMC — Final Rule Stage

4092. ● MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Legal Authority: 5 USC 504; 5 USC 551 to 553; 5 USC 559; 12 USC 1141j(a); 18 USC 207; 26 USC 501(c)(3); 28 USC 2112(a); 46 USC app 817; 46 USC app 820 to 821; 46 USC app 826; 46 USC app 841a; 46 USC app 1114(b); 46 USC app 1705; 46 USC app 1707 to 1716; EO 11222 (May 8, 1965)

CFR Citation: 46 CFR 502; 46 CFR 587

Legal Deadline: None

Abstract: Docket No. 89-24. Action would amend Commission's Rules of Practice and Procedure to clarify: the filing fee for petitions for rulemaking; procedure for service of documents in rulemaking proceedings; verification of complaints; use of facsimile documents; and number of copies of documents. The action would also outline requirements and procedures for confidential filings and testimony.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48648
NPRM Comment Period End	01/26/90	55 FR 315
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB23

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

4093. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Withdrawn	01/24/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA64

4094. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
Withdrawn	01/24/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA83

4095. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
Withdrawn	01/24/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AA86

4096. PETITION FOR SECTION 16 EXEMPTION - CRUISE LINES INTERNATIONAL ASSOCIATION (P2-89)

Legal Authority: 46 USC app 815

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a section 16 exemption from the Cruise Lines International Association. This action extends the exemption of membership changes from the form, notice and waiting-period requirements to all persons. Docket No. 89-23.

Timetable:

Action	Date	FR Cite
Notice of Petition	07/25/89	54 FR 30939
NPRM	11/02/89	54 FR 46273
Petition Granted	11/02/89	54 FR 46249
NPRM Comment Period End	12/04/89	54 FR 46273
Final Action	12/28/89	54 FR 53321
Final Action Effective	12/28/89	54 FR 53321

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB21

4097. INQUIRY INTO LAWS, REGULATIONS AND POLICIES OF THE GOVERNMENT OF ECUADOR - DOCKET NO. 89-07

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b); 46 USC app 1710a; Reorg Plan No. 7 of 1961

CFR Citation: 46 CFR 586

Legal Deadline: None

Abstract: The proposed rule would adjust or meet apparent unfavorable conditions by imposing burdens on an Ecuadorian carrier in response to burdens imposed on U.S. commerce by Ecuadorian laws and regulations.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	03/15/89	54 FR 10721
Notice of Further Comments	05/18/89	54 FR 21473
NPRM	08/18/89	54 FR 34194
NPRM Comment Period End	09/25/89	54 FR 38880
Final Action	01/22/90	55 FR 2071
Final Action Effective	03/08/90	55 FR 2071

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB22

4098. ● EXEMPTION FOR PUERTO RICO SERVICE

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817; 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 845b; 46 USC app 846

CFR Citation: 46 CFR 550

Legal Deadline: None

Abstract: Docket No. 90-3. Petition of Sea-Land Service, Inc. for section 35 exemption for Puerto Rico Service. P5-89.

Timetable:

Action	Date	FR Cite
Notice of Petition	09/29/89	54 FR 40189
Final Action	01/30/90	55 FR 3059
Final Action Effective	01/30/90	55 FR 3059

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB25

4099. ● SERVICE CONTRACTS - DISCOUNT PROVISIONS - DOCKET NO. 89-19

Significance: Agency Priority

Legal Authority: 5 USC 553

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Docket No. 89-19. Petition for rule prohibiting automatic discount provisions in service contracts.

Timetable:

Action	Date	FR Cite
Notice of Petition	09/20/89	54 FR 38738
Withdrawn	02/07/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5725

RIN: 3072–AB26

4100. ● SECURITY FOR THE PROTECTION OF THE PUBLIC—DEVIATIONS FROM STANDARD FORM LANGUAGE

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 817d; 46 USC app 817e; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Docket No. 89-25. Action would permit deviations from standard surety bond and guaranty forms for financial responsibility for passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51423
NPRM Comment Period End	01/04/90	54 FR 51423
Final Action	01/19/90	55 FR 1823
Final Action Effective	01/19/90	55 FR 1823

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, 202 523-5796

RIN: 3072–AB27

[FR Doc. 90-5966 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LIV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from April 1 through October 1, 1990. The next semiannual agenda will be published in October 1990.

DATE: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its April 1990 agenda as part of the April 1990 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4101	Regulation: E - Electronic Fund Transfers	7100-AA77
4102	Regulation: G - Securities Credit by Persons Other Than Banks, Brokers, or Dealers; and Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks	7100-AA99
4103	Regulation: K - International Banking Operations	7100-AA98
4104	Regulation: Z - Truth in Lending	7100-AB05
4105	Private Sector Presentment (Docket Number: R-0631)	7100-AA96

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4106	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
4107	Regulation: H - Membership of State Banking Institutions and Regulation: Y - Bank Holding Companies and Change in Control (Docket Number: R-0658)	7100-AB06
4108	Regulation: H - Membership of State Banking Institutions and Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0683)	7100-AB08
4109	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
4110	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA56
4111	Regulation: T - Credit by Brokers and Dealers (Docket Number: R-0675)	7100-AA72
4112	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
4113	Regulation: Y - Bank Holding Companies and Change in Bank Control and Regulation H - Membership of State Banking Institutions (Docket Number: R-0616)	7100-AA88
4114	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number R-0652)	7100-AA41
4115	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0664)	7100-AB03
4116	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0686)	7100-AB07
4117	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0679)	7100-AB01
4118	Proposals to Modify the Payments System Risk Reduction Program (Docket Numbers: R-0661, R-0668, R-0669, R-0670)	7100-AA76

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4119	Regulation: B - Equal Credit Opportunity (Docket Number: R-0671)	7100-AA97
4120	Regulation: C - Home Mortgage Disclosure (Docket Number: R-0674)	7100-AB04
4121	Regulation: K - International Banking Operations	7100-AA92

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

4101. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: The Board is conducting a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological and other developments. The Board will also consider whether to make any legislative recommendations for statutory changes.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board may consider revisions to Regulation E	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA77

4102. REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS; AND REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 207; 12 CFR 221

Legal Deadline: None

Abstract: During the next three months the Board may address the ability of lenders subject to Regulations G and U to transfer a credit between these two types of lenders without treating the transaction as creating a new extension of credit. The regulations currently permit a transfer only between lenders subject to the same regulation. Several law firms have expressed an interest in such a deregulatory amendment.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may address transfer provisions in Regulations G and U	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA99

4103. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 221 et seq; 12 USC 1841 et seq; 12 USC 3101 et seq

CFR Citation: 12 CFR 211

Legal Deadline: Other, Statutory, December 1989.
Section 3(b) of the International Banking Act of 1978 requires that Board review and revise Subpart A of Regulation K every five years, beginning in 1979.

Abstract: In 1990, the Board will conduct a broad-based review of Subpart A of Regulation K (International Operations of United States Banking Organizations), as required every five years by the International Banking Act. This review will include consideration of the powers of Edge corporations and additional overseas activities of U.S. banking organizations, including consideration of the authority to underwrite and deal in equity securities outside the United States. In addition, Subpart B (Foreign Banking Organizations) will be reviewed, particularly with respect to the effect of the revisions of the Standard Industrial Classification (SIC) codes on that Subpart. Subpart C (Export Trading Companies) will be reviewed with a view toward bringing that Subpart into conformity with the Export Trading Company Act Amendments of 1988.

It is not expected that any revisions would have an adverse impact on a substantial number of small banking organizations.

Timetable:

Action	Date	FR Cite
Board will conduct review by	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA98

4104. ● REGULATION: Z - TRUTH IN LENDING

Legal Authority: 12 USC 1604, as amended, Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: None

Abstract: The Board will consider soliciting for comment a possible amendment to Regulation Z dealing with home equity lines of credit. The proposal will discuss the ability of a creditor to suspend advances of credit during any period in which the maximum rate cap is reached. This action will be taken as a result of questions that have arisen in a recent lawsuit. It is not anticipated that this proposal would have any significant impact on small institutions.

Timetable:

Action	Date	FR Cite
Board will consider proposal to amend Regulation Z by	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard Chanin, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100–AB05

4105. PRIVATE SECTOR PRESENTMENT (DOCKET NUMBER: R-0631)

Legal Authority: 12 USC 4008(c)

CFR Citation: None

Legal Deadline: None

Abstract: In April 1988, the Board requested comment on whether it should require paying banks to pay for checks presented by private sector collecting banks before 2:00 p.m. in same-day funds and without imposing presentment fees (53 FR 11911, April 11, 1988). The purpose of such a regulation would be to speed the forward collection of checks by requiring paying banks to accept checks without charging a fee later in the day, thus increasing the number of checks that can be collected that day. It would give private sector collecting banks the same rights vis-a-vis paying banks as the Federal Reserve Banks now have.

The Board has not yet made a specific proposal to amend its regulation in this regard. Rather, it merely requested comment on the idea of same-day payment in private sector presentments. If such a regulation were to be adopted, small entities that might be affected include small banks and State and local governments.

The Board is reviewing the public comments and conferring with an industry task force and will determine whether to propose specific regulations within the next twelve months.

Timetable:

Action	Date	FR Cite
Board requests comment	04/11/88	53 FR 11911
Board extends comment period to December 1, 1988	07/21/88	53 FR 27565
Board will review further	04/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3874

RIN: 7100–AA96

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

4106. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Legal Deadline: None

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: clarify how the Board measures

the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action in the near future.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100–AA62

4107. ● REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS AND REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN CONTROL (DOCKET NUMBER: R-0658)

Legal Authority: 12 USC 3310; 12 USC 3331 to 3351

CFR Citation: 12 CFR 208; 12 CFR 225

Legal Deadline: Final, Statutory, August 9, 1990.

Abstract: In January 1990, the Board requested public comment on a proposed regulation that prescribes standards for the performance of real estate appraisals in connection with federally related transactions (55 FR 4810, February 9, 1990). This regulation, which applies to real estate transactions entered into or regulated by the Federal financial institutions' regulatory agencies, is mandated by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). The member agencies of the FFIEC and the Resolution Trust Corporation are required by FIRREA to propose their appraisal regulations by February 9, 1990, and adopt them in final form by August 9, 1990. FIRREA contemplates a two-step phase-in of the provisions of Title XI, reflected in the proposed regulation. The first step requires that as of August 9, 1990, all appraisals rendered in connection with federally related transactions must be performed in accordance with the appraisal standards of the Appraisal Foundation and any additional standards adopted by the agencies. The second step requires that as of July 1, 1991, all such appraisals must be performed by appraisers either (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	02/09/90	55 FR 4810
Further Board action by	09/09/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: certified or licensed by the States in a manner consistent with Title XI.

On balance, it is not expected that adoption of the proposal would have a significant adverse economic impact on a substantial number of small business entities. Title XI specifies certain transactions requiring the services of an appraiser and does not distinguish between small and large financial institutions. The agencies are allowed some discretion in determining which other transactions should also require an appraiser. In this regard, the Board has attempted to alleviate the economic impact on small businesses, including small regulated institutions, by not requiring a State certified or licensed appraiser for transactions in which (i) the transaction value is below the de minimis cutoff established in the regulation, and (ii) a lien on real estate is taken as collateral solely as an abundance of caution.

Following review of the public comments, the Board is expected to take further action on this proposal by August 9, 1990.

Agency Contact: Michael O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3288**

RIN: 7100–AB06

4108. ● REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS AND REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0683)

Legal Authority: 12 USC 1844(b); 12 USC 3909

CFR Citation: 12 CFR 208, App A and B; 12 CFR 225, App A, B and D

Legal Deadline: None

Abstract: In December 1989, the Board requested public comment on proposed transition capital guidelines to be applied through the end of 1990, as well as guidelines for a proposed new leverage constraint (55 FR 581, January 5, 1990).

Under the proposal, State member banks and bank holding companies may choose up to the end of 1990 to conform to either the existing minimum capital adequacy ratios (5.5 percent primary capital and 6 percent total capital to total assets) or to the 7.25 percent year-end 1990 risk-based capital standards. In addition, the Board is proposing to establish and apply during this period a minimum ratio of 3 percent Tier 1 capital to total assets (leverage ratio). For leverage purposes, Tier 1 would be defined consistent with the year-end 1992 risk-based capital guidelines.

The Board is also proposing to drop the existing 5.5 percent primary and 6 percent total capital to total assets leverage ratios after year-end 1990. The 3 percent Tier 1 leverage ratio would then constitute the minimum capital to total assets standard for banking organizations. Under the

Timetable:

Action	Date	FR Cite
Board requested public comment	01/05/90	55 FR 581
Further Board action by	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Board's proposal, these standards would be minimum requirements.

It is not expected that adoption of this proposal would have a significant economic impact on a substantial number of small banking organizations. Rather than requiring all banking organizations to raise additional capital, the guidelines are directed at institutions whose capital positions are less than fully adequate in relation to their risk and leverage profiles. In addition, these guidelines generally will not apply to bank holding companies

with consolidated assets of less than $150 million.

Following review of the public comments, the Board is expected to take further action on this proposal within the next six months.

Agency Contact: Michael O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3288**

RIN: 7100–AB08

4109. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Legal Deadline: None

Abstract: In December 1989, the Board approved issuing for public comment a zero-based review of Regulation P, the regulation which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve Banks and for State member banks (Federal Register cite unavailable). The review considers whether any provisions of the regulation are outdated and whether any substantive changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. It is not anticipated that the revised regulation will have a significant economic impact on a substantial number of small banks. Following review of comments, the Board will consider changes in the regulation within the next six months.

Timetable:

Action	Date	FR Cite
Board approved issuing revisions for comment	12/15/89	
Further Board action by	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Durkin, Regulatory Planning and Review Director, Federal Reserve System, Office of the Secretary, **202 452-2326**

RIN: 7100–AA69

4110. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Legal Deadline: None

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next six months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, **202 452-3818**

RIN: 7100–AA56

4111. REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER: R-0675)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: In September 1989, the Board proposed for public comment several amendments to Regulation T to accommodate settlement and clearance of foreign securities (54 FR 41454, September 29, 1989). The amendments would: (1) permit certain foreign debt and equity securities to be eligible for margin at broker-dealers on the same basis as domestic margin securities; (2) eliminate the current dollar-only accounting requirement for margin accounts; (3) tie the time for customer payment for foreign securities to the foreign settlement date; and (4) allow a registered broker-dealer to arrange credit on foreign securities. Following review of the public comments, the Board is expected to take further action on this proposal in the next three months. It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board proposed amendments to Regulation T	09/29/89	54 FR 41454
Further Board action by	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100–AA72

4112. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper

incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope, and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be prohibited from conducting these activities; and whether the Board should establish special capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action indefinite	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks. (See Docket Number R-0616, for additional information on proposed real estate investment limitations.)

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking regarding the current Regulation Y provision permitting bank holding companies to acquire, through their subsidiary State banks, shares of companies engaged in activities that the bank is permitted to conduct under State law, so-called operations subsidiaries (R-0652).

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA52

4113. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL AND REGULATION H - MEMBERSHIP OF STATE BANKING INSTITUTIONS (DOCKET NUMBER: R-0616)

Legal Authority: 12 USC 1843(c)(8); 12 USC 371c; 12 USC 3901

CFR Citation: 12 CFR 225.13(b)(1); 12 CFR 225, Appendix; 12 CFR 208.14

Legal Deadline: None

Abstract: In November 1987, the Board requested comment on whether, in evaluating proposals submitted under section 3 of the Bank Holding Company Act, the Board should consider the impact of real estate activities of the bank to be acquired by the bank holding company on the financial condition of the bank and bank holding company, and, where appropriate, should prohibit banks and savings banks that are acquired by bank holding companies from directly engaging in real estate investment and development activities (52 FR 42301, November 4, 1987).

The Board also requested comment on whether member banks that are not in a bank holding company should be made subject to the interaffiliate lending restrictions of section 23A of the Federal Reserve Act in their dealings with real estate investment and development subsidiaries of the bank.

Finally, the Board requested comment on whether the Board should impose special capital requirements on real estate subsidiaries of banks in a bank holding company, under the Board's authority in the International Lending Supervision Act. These three proposals supplement the Board's earlier (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	11/04/87	52 FR 42301
Further Board action indefinite	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: request for comment in December 1986 regarding whether the Board should permit bank holding companies to engage in real estate investment activities.

This proposal is not expected to have a significant economic impact on small companies because the Board believes that very few small banks are currently engaged in real estate investment and development activities, and bank holding companies are not generally permitted to engage in these activities.

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking regarding the current Regulation Y provision permitting bank holding companies to acquire, through their subsidiary State banks, shares of companies engaged in activities that the bank is permitted to conduct under State law, so-called operations subsidiaries (R-0652).

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA88

4114. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER R-0652)

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the

comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

In December 1988, the Board requested public comment regarding whether this rule, as it applies to nonbanking companies owned by state banks in a holding company system, continues to be valid and appropriate in light of enactment of the (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board requested comment	12/05/88	53 FR 48915
Further Board action to be determined	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Garn-St Germain Act and certain recent court decisions (53 FR 48915, December 5, 1988). The Board also held an informal public hearing on this matter on April 7, 1989. The Board has not proposed revising its current rule regarding subsidiaries of national banks in a holding company. A determination to reverse the Board's state bank rule could have an adverse impact on small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action. The Board has not determined what further action is appropriate.

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Legal Division, Federal Reserve System, 202 452-3583

RIN: 7100–AA41

4115. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0664)

Legal Authority: 12 USC 1843(c)(8)

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1988, the Board requested public comment on a proposal by a bank holding company to provide armored car transportation services to non-affiliated customers and on whether the proposed armored car activities may be deemed to be closely related to banking and a proper incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act (53 FR 50292, December 14, 1988).

The National Armored Car Association submitted comments in opposition to the application and requested a hearing on whether the proposal would meet Section 4(c)(8) of the Bank Holding Company Act. A formal, public hearing before a hearing officer was held on June 16 and July 11, 1989, at the offices of the Board in Washington, D.C. Following review of the recommended decision by the hearing officer, the Board will consider the application. The proposal, if adopted, would permit a bank holding company to engage in a broader range of armored car services than bank holding companies currently are permitted to conduct under 12 CFR 225. Specifically, the proposal would permit a small bank holding company that currently (cont)

Timetable:

Action	Date	FR Cite
Board issued proposal for comment	12/14/88	53 FR 50292
Board will review further	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: operates an armored car for internal automatic teller machine servicing to utilize excess capacity in the armored car to serve non-affiliated financial institutions and other customers in the East Moline, Illinois, trading area.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Legal Division, Federal Reserve System, 202 452-3788

RIN: 7100–AB03

4116. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0686)

Legal Authority: PL 101-73, 103 Stat 183

CFR Citation: 12 CFR 225, Subpart H

Legal Deadline: None

Abstract: On February 9, 1990, the Board approved issuing for public comment a proposed regulation, which implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, requiring banks and bank holding companies to provide notice to the Federal Reserve System 30 days before adding any individual to the institution's board of directors or employing any individual as a senior executive officer under certain circumstances (55 FR 6787, February 27, 1989). Notice would be required if the institution is failing to meet minimum capital standards or is otherwise in a troubled condition, has undergone a change in control within the past two years, or has received a bank charter within the past two years. The regulation defines "senior executive officer," "troubled condition," and "change in control."

The proposal is not expected to have a significant economic impact on a substantial number of small business entities. State member banks and bank holding companies will be affected if they meet one of the criteria that triggers the notice requirements. Following review of public comments, the Board is expected (cont)

Timetable:

Action	Date	FR Cite
Board approved proposal for comment	02/09/90	
Further Board action by	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to take further action within the next three months.

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AB07

4117. ● REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0679)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: In December 1989, the Board requested comment on proposed

amendments to its Regulation CC, governing availability of funds and collection of checks (54 FR 51405, December 15, 1989). The proposals include shortening the time requirements for giving notice of nonpayment, proposed changes to the model forms, and other technical and clarifying modifications to the regulation and its commentary. These proposals are aimed primarily at reducing risk to depository banks under the permanent availability schedules and clarifying Regulation CC in response to questions the Board has received from depository institutions. In addition, the Board also proposed revisions to the deposit deadlines for the Federal Reserve notice of nonpayment service that would take effect if the time requirements for notice of nonpayment were to be shortened (54 FR 51493, December 15, 1989; Docket Number R-0680). Adoption of the proposals should not result in any significant economic impact on a substantial number of small entities.

The Board will review the public comments and is expected to take further action within the next four months.

Timetable:

Action	Date	FR Cite
Board requested comment	12/15/89	54 FR 51405
Further Board action by	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Martin, Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100–AB01

4118. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBERS: R-0661, R-0668, R-0669, R-0670)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In June 1989, the Board requested comment on several proposals that would modify its payments system risk reduction program (54 FR 26090, June 21, 1989). The proposals concerned pricing of daylight overdrafts (R-0668, previously proposed in Docket R-0592, 51 FR 45042, December 16, 1986), book-entry securities transfers (R-0669), and foreign bank agencies and branches (R-0670). In conjunction with the proposals, the Board issued three policy statements regarding private delivery-against-payment systems (R-0665), offshore clearing and netting systems (R-0666), and rollovers and continuing contracts (R-0667).

In addition, as another facet of its risk reduction program, in March 1989, the Board requested comment on changes in the way the Federal Reserve Banks treat automated clearing house transactions (Docket R-0661, 54 FR 8822, March 2, 1989). It is not expected that these actions will have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems.

Timetable:

Action	Date	FR Cite
Board requested comment	06/21/89	54 FR 26090
Further Board action by	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Board will review the public comments and is expected to take further action by June 1990.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, 202 452-3368

RIN: 7100–AA76

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

4119. REGULATION: B - EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0671)

Legal Authority: 15 USC 1691 et seq, as amended Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Legal Deadline: None

Abstract: In December 1989, the Board published a final rule revising Regulation B to implement amendments to the Equal Credit Opportunity Act that were part of the Women's Business Ownership Act of 1988, Pub. L. No. 100-533, 102 Stat. 26891 (54 FR 50482, December 7, 1989). The final rule required creditors (1) to give written statement of the reasons for a credit denial or other adverse action, and (2) to maintain for one year records used in evaluating business credit applications. The final rule closely parallels the rules that govern nonbusiness transactions with some variations that offer creditors more flexibility with regard to handling business credit applications. Creditors may follow the present notice and recordkeeping rules for nonbusiness credit and be in full compliance with the amended regulation. The rule is effective April 1, 1990.

The statutory changes were enacted to ensure that business owners applying for credit are afforded ECOA rights similar to those available to consumer credit applicants. The new notice and recordkeeping requirements generally apply to credit applications from businesses that gross revenues of (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendments to Regulation B	07/14/89	54 FR 29734
Board adopted amendments	12/07/89	54 FR 50482

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: $1 million or less; other business credit applications, including trade credit transactions, remain subject to modified notice and recordkeeping rules in the regulation which also have been revised. The new rules will cover all institutions that extend business credit, and do not distinguish between large and small creditors. The costs to these

institutions of implementing the rules may vary depending upon the volume of business credit applications, the manner of recordkeeping and other factors.

Agency Contact: Adrienne D. Hurt, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA97

4120. REGULATION: C - HOME MORTGAGE DISCLOSURE (DOCKET NUMBER: R-0674)

Legal Authority: 12 USC 2803(e); 12 USC 2803(h)

CFR Citation: 12 CFR 203

Legal Deadline: Other, Statutory, January 1, 1990.
As of January 1, 1990, lenders are required to collect the new information.

Abstract: In December 1989, the Board adopted revisions to Regulation C to implement amendments to the Home Mortgage Disclosure Act (HMDA) that were contained in the Financial Institutions Reform, Recovery and Enforcement Act, signed August 9, 1989 (54 FR 51356, December 15, 1989). HMDA requires covered institutions to disclose and report information regarding their mortgage lending. Among other things, the statutory amendments extend the coverage of HMDA to include most mortgage lenders. Covered institutions are required also to maintain and disclose information regarding mortgage loan applications, and information regarding the race, gender and income of applicants and borrowers. Under the amendments, banks and other depository institutions with $30 million or less in assets are not required to report data on the race, gender, and income level of applicants and borrowers. Institutions with $10 million or less in assets remain exempt from all requirements of the Act. Therefore, it is not expected that the amendments will have a significant economic impact on the smallest mortgage lenders; they will have significant economic impact on institutions that have over (cont)

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	10/06/89	54 FR 41255
Board adopted revisions to Regulation C	12/15/89	54 FR 51356

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: $30 million in assets.

Agency Contact: John C. Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AB04

4121. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 1843 (c)(13); 12 USC 601 to 604a; 12 USC 611 to 631

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The last Semiannual Agenda included a possible amendment to Regulation K to permit U.S. banking organizations to engage in a broader range of activities abroad. Specifically, the Board would consider whether U.S. banking organizations should be permitted to underwrite, distribute, and deal in equity securities outside the United States in excess of the current restriction in Regulation K, which prohibits a subsidiary of a U.S. banking organization from making an underwriting commitment for shares of an issuer in excess of: (i) $2 million, or (ii) 20 percent of the capital and surplus of the issuer's voting shares, unless covered by binding commitments from subunderwriters or other purchasers. The Board will consider this item in connection with the broad-based review of Regulation K to be issued by mid-1990. See RIN: 7100-AA98.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses because it applies to U.S. banking organizations involved in international securities activities.

Timetable:

Action	Date	FR Cite
Amendment to be considered in broad-based review of Regulation K (RIN 7100-AA98)	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA92

[FR Doc. 90-5967 Filed 04-20-90; 8:45 am]
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Federal Register

Monday
April 23, 1990

Part LV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected date reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda.

Several agenda items concern rulemaking proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding is likely to have a significant economic impact on such entities will depend upon the Commission's final determinations respecting the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff based upon information now available. These views should not be regarded as a final staff position nor should they be attributed to the Commission itself. The Commission will independently address the issues presented on the rulemaking record in each proceeding.

Agenda items include the projected timing of certain future actions. In most instances, the dates of future events are listed by month, not by a specific day. Acquisition of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact person listed for each particular proceeding.

By direction of the Commission.

Donald S. Clark,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4122	Review of Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
4123	Mail Order Merchandise	3084-AA19
4124	Informal Dispute Settlement Procedures	3084-AA30
4125	Franchise Rule	3084-AA38

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4126	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
4127	Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA40

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4128	Review of the Funeral Industry Practices Rule	3084-AA05
4129	Review of the Premerger Notification Rules and Report Form	3084-AA23
4130	Appliance Labeling Rule—Energy Policy and Conservation Act	3084-AA26
4131	Transistor Rule	3084-AA37
4132	Review of the Sewing Machine Rule	3084-AA39
4133	Review of the Amplifier Rule	3084-AA41
4134	Review of the Quick-Freeze Aerosol Spray Rule	3084-AA42

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

4122. REVIEW OF TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Legal Deadline: None

Abstract: The Holder-In-Due Course Rule affects many sales that are financed by closed-end or open-end consumer credit; therefore, it may have a significant effect on a substantial number of small entities. The Commission has solicited comments and data on this issue and, if the Rule has had an effect, whether it should be amended to minimize what kinds of costs the Rule has imposed on small entities, how the Rule has affected the availability and cost of credit for small entities and how creditors and sellers have adapted to the Rule. This information will be used to determine whether the Commission should amend or repeal the Rule.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	11/03/88	53 FR 44456
Commission Consideration of Staff Recommendations	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard C. Sauer, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3144

RIN: 3084–AA08

4123. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Legal Deadline: None

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping dates or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
ANPR	10/27/88	53 FR 43448
NPR Published	11/28/89	54 FR 49060
Commission Consideration of Staff Recommendations	12/00/90	
Final Action	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, shipments, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. On October 11, 1989, the Commission commenced a rulemaking to amend the rule to cover orders placed by telephone, and to change the rule's definition of "properly completed order" for credit sales to mean the time the seller receives sufficient information to charge the buyer's account. The Notice of Proposed Rulemaking ("NPR") was published on November 28, 1989. The deadline for filing written comments is January 29, 1990. Public hearings are scheduled to commence March 28, 1990. After analyzing the rulemaking record, the staff will recommend that the Commission either adopt the proposed amendments or end the inquiry.

Agency Contact: Joel N. Brewer, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2967

RIN: 3084–AA19

4124. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Legal Deadline: None

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. To assess whether any changes are needed, the Commission conducted a regulatory negotiation process in which an advisory committee was charged to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205

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Action	Date	FR Cite
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	12/10/87	
Commission Issuance of ANPR	05/16/89	54 FR 21070
Extension of Time for Public Comment Period	07/17/89	54 FR 29910
Comment Period Ends	09/15/89	
Extension of Comment Period	09/19/89	54 FR 38529
Comment Period Ends	11/15/89	
Commission Consideration of Staff Recommendations	09/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms. The committee met for the last time on June 17, 1987, and failed to reach a consensus on rule revisions. The Commission and its staff will continue to monitor the impact of the current informal dispute settlement procedures rule. On April 11, 1988, the FTC received a petition from the Motor Vehicle Manufacturers Association and the Automobile Importers Association to amend this rule in order to preempt certain state "lemon" laws. The Commission has issued an Advance Notice of proposed rulemaking requesting public comment on whether to initiate a review of the Rule and on the issues raised in the petition. The comment period closed November 15, 1989.

Agency Contact: Gary Laden, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, **202 326-3118**

RIN: 3084–AA30

4125. FRANCHISE RULE

Legal Authority: 15 USC 41 et seq, Federal Trade Commission

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: On December 21, 1978, the Commission issued a trade regulation rule applicable to franchises and other business opportunity ventures. The franchise rule took effect on October 21, 1979. The rule requires franchisors to give pre-sale disclosures to prospective investors before they pay money or become legally bound to pay. The disclosures provide material information and are designed to assure that potential investors have the information they need to investigate the franchise offer so they can make an informed investment decision. The Commission is considering whether to amend its trade regulation rule concerning franchises and business opportunity ventures. In particular, the Commission is considering whether to amend the rule's earnings claim and preemption provisions.

Timetable:

Action	Date	FR Cite
ANPR	02/16/89	54 FR 7041
Staff Recommendations to Commission	05/00/90	
Commission Consideration of Staff Recommendations	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Craig Tregillus, Franchise Rule Coordinator, PC-H-238, Federal Trade Commission, Division of Marketing Practices, Washington, DC 20580, **202 326-2970**

RIN: 3084–AA38

FEDERAL TRADE COMMISSION (FTC) — Proposed Rule Stage

4126. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	02/28/90	
Presiding Officer Report	05/00/90	
Commission Consideration of Staff Recommendation	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to

FTC — Proposed Rule Stage

industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, 216 522-4207

RIN: 3084–AA24

4127. REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986

Legal Authority: 15 USC 4401

CFR Citation: 16 CFR 307

Legal Deadline: Other, Judicial, July 31, 1989.
Deadline is for the NPR.

Abstract: On July 31, 1989, the Commission issued a NPR to amend its regulations under the Comprehensive Smokeless Tobacco Act of 1986, 15 U.S.C. 4401, and sought public comment. In 1986, the Commission had issued final regulations implementing the Act's requirements for the display of health warnings in the labeling and advertising of smokeless tobacco products and for the submission of plans specifying the method used to rotate, display, and distribute the mandated health warnings. The regulations exempted utilitarian objects that are sold or given to consumers for their personal use, that display the brand name, logo, or selling message of a smokeless product. The Commission's exemption of these items from the regulation's requirements was challenged in court and the Commission was ordered to delete this exemption. This proposed amendment deletes the previous exemption and proposes a method for the display of the mandated health warnings on utilitarian objects.

Timetable:

Action	Date	FR Cite
Rule Promulgated	11/04/86	51 FR 40004
NPR	07/31/89	54 FR 31541
Closing of Comment Period	08/30/89	
Extension of Comment Period	09/07/89	54 FR 37117
Closing of Comment Period	10/16/89	
Reopening of Comment Period	03/12/90	55 FR 9142
Closing of Comment Period	04/11/90	
Commission Consideration of Staff Recommendations	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne V. Maher, Federal Trade Commission, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC20580, 202 326-2987

RIN: 3084–AA40

FEDERAL TRADE COMMISSION (FTC) — Final Rule Stage

4128. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Legal Deadline: None

Abstract: The funeral industry practices rule, which became fully effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with written itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking proceeding to determine whether the Rule should be amended or terminated. (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
Prohibitions Effective Date	01/01/84	
Affirmative Requirements Effective Date	04/30/84	
ANPRM	12/09/87	52 FR 46706
NPRM	05/31/88	53 FR 19864
Hearings Ended	02/03/89	
Staff Report	06/00/90	
Commission Consideration of Staff Recommendations	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission has issued the Notice of Proposed Rulemaking for public comment and held informal public hearings in the cities of Washington, Chicago, and San Francisco. The subsequent steps include the publication of a staff recommendation and a report from the presiding officer. Thereafter, the Commission will make its final determination.

Agency Contact: Matthew Daynard, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3291

RIN: 3084–AA05

4129. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

FTC

Final Rule Stage

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Appendix)

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. In September 1988, the Commission proposed to amend these rules to exempt the acquisition of small percentages of an issuer's voting securities, and proposed two alternative amendments that would provide other special treatment for acquisitions of small percentages of voting securities. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- De Minimis Exemption	09/22/88	53 FR 36831
ANPR -- Partnerships	02/24/89	54 FR 7960
Comm. Consid. of Staff Rec. re: Partnerships	05/00/90	
Comm. Consid. of Staff Rec. re: De Minimis Exemption	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In February 1989, the Commission issued an ANPR seeking comments on options for amending the rules to modify their treatment of transactions involving partnerships. In fiscal year 1990, the Commission expects to determine what action, if any, to take on the proposed amendment regarding partnerships.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-2861

RIN: 3084–AA23

4130. APPLIANCE LABELING RULE—ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Legal Deadline: Final, Statutory, July 1, 1989.
See section 2(d)(2)(B) of Pub. L. 100-357, June 28, 1988, 102 Stat. 672.

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. In 1987, the Commission amended the rule to include central air conditioners and heat pumps and to include two new types of furnace under the rule's coverage. The provisions took effect on June 7, 1988. Since the Commission's rule implements the requirements of EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances but does impose some burdens on distributors and retailers. Some of those entities may be small businesses under section 610 of the Regulatory Flexibility Act. Therefore, the Commission (cont)

Timetable:

Action	Date	FR Cite
NPRM (comprehensive review)	06/13/88	53 FR 22022
Commission Review of Staff Recommendations (comprehensive review)	06/00/90	
Commission Action (comprehensive review)	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: has reviewed the rule to determine whether it has had a significant economic effect on a substantial number of small entities. The Commission has terminated that review and has begun another rulemaking to consider several amendments that would make the rule's energy usage disclosure scheme more efficient for consumers and business. The Commission has estimated that the proposals will reduce the paperwork burden of compliance by 5 percent. Pursuant to recent amendments to EPCA, the Commission issued a rule prescribing labeling requirements for fluorescent lamp ballasts.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084–AA26

4131. TRANSISTOR RULE

Legal Authority: 15 USC 41 et seq, Federal Trade Commission Act

CFR Citation: 16 CFR 414

Legal Deadline: None

Abstract: The Transistor Count Rule states that it is an unfair method of competition and an unfair or deceptive act or practice in connection with the sale of radio receivers (including transceivers) to represent that a radio set contains a specified number of transistors when the transistors counted do not function to detect, amplify, or receive radio signals. The rule was adopted May 4, 1968 and became effective on December 10, 1968. The Commission sought comment on

whether or not changes in technology and marketing over the last twenty years have rendered the rule obsolete and therefore no longer in the public interest. The Commission issued an NPR asking for comment on the continued viability of the rule and whether it should be repealed.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 5090
NPRM	06/06/89	54 FR 24191
NPRM Comment Period End	10/20/89	
Recommendations	02/26/90	
Commission Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, 202 326-3029

RIN: 3084–AA37

4132. REVIEW OF THE SEWING MACHINE RULE

Legal Authority: 15 USC 41-58

CFR Citation: 16 CFR 401

Legal Deadline: None

Abstract: On June 30, 1965, the Commission promulgated the Sewing Machine Rule. The Rule states that the use of the word "automatic" or terms of similar import to describe a household sewing machine is an unfair or deceptive act. The need for the Rule, stated at the time of promulgation, was that use of the word automatic as a description of a sewing machine led consumers "to believe that merely by the twist of a dial or the flick of a lever they will be able to perform sewing operations." On April 19, 1989, the Commission initiated a rulemaking proceeding to determine whether or not the Sewing Machine Rule should remain in effect without changes or should be repealed. In a Notice of Proposed Rulemaking, the Commission sought public comment on whether sewing machine technology and marketing have changed so that the Rule is no longer needed, and whether the Rule still provides any benefit.

Timetable:

Action	Date	FR Cite
ANPR	05/03/89	54 FR 18906
Close of Comment Period	06/06/89	
NPR	09/20/89	54 FR 38693
Close of Comment Period	10/20/89	
Recommendations	01/07/90	
Commission Consideration of Staff Recommendations	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC20580, 202 326-3029

RIN: 3084–AA39

4133. ● REVIEW OF THE AMPLIFIER RULE

Legal Authority: 15 USC 45-58

CFR Citation: 16 CFR 432

Legal Deadline: None

Abstract: On May 3, 1974, the Commission promulgated the Amplifier Rule. The Rule states that any representation of performance characteristics in connection with the advertisement of sound power amplification equipment manufactured or sold for home entertainment purposes, must clearly and conspicuously make certain disclosures pertaining to power output. The Commission has published a Federal Register notice seeking public comment on whether the Amplifier Rule should be amended to minimize any significant impact upon small economic entities.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	10/25/89	54 FR 43435
Federal Register Notice Extending Comment Period	12/11/89	54 FR 50771
Close of Comment Period	01/26/90	
Recommendations	05/00/90	
Commission Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, 202 326-3029

RIN: 3084–AA41

4134. ● REVIEW OF THE QUICK-FREEZE AEROSOL SPRAY RULE

Legal Authority: 15 USC 41-58

CFR Citation: 16 CFR 417

Legal Deadline: None

Abstract: On February 20, 1969, the Commission promulgated the Quick-Freeze Aerosol Spray Rule. The Rule states that it is an unfair or deceptive act or practice to fail to provide a clear and conspicuous warning on the labels of aerosol spray products sold for the purpose of frosting cocktail glasses that inhalation of the product may result in injury or death. The Commission has published a Federal Register Notice seeking public comment on whether the Quick-Freeze Aerosol Spray Rule should be amended to minimize any significant impact upon small economic entities.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	10/25/89	54 FR 43435
Close of Comment Period	11/25/89	
Recommendations	01/07/90	
Commission Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade

FTC

Final Rule Stage

Commission, Washington, DC 20580, 202 326-3029

RIN: 3084–AA42

[FR Doc. 90-5968 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LVI

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 18)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a unified agenda of federal regulations.

SUMMARY: Pursuant to OMB Bulletin No. 90-03, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive order concerning regulatory agendas, the Commission is publishing an agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget, which is to be published in a single issue of the **Federal Register** in April 1990. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal Government's current regulatory plans and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: January 25, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

4135. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120–AA13

4136. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120–AB35

ICC

Prerule Stage

4137. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB50

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

4138. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Ex Parte No. 431 has been held in abeyance pending the development of cost accounting principles by the Railroad Accounting Principles Board. These principles were published on September 1, 1987, and included a recommendation that further research be performed into certain identified subject areas of the Uniform Railroad Costing System before the system is implemented. This is to be done within 18 months of the Board's report.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423, 202 275-7354

RIN: 3120–AA63

4139. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, SE., Washington, DC 20423, 202 275-7841

RIN: 3120–AB17

4140. RATE GUIDELINES - NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy statement	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments under internal evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th &

Constitution Ave., NW., Washington, DC 20423, **202 275-7627**

RIN: 3120–AB41

4141. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120–AB43

4142. ENVIRONMENTAL DOCUMENTATION IN RAIL PROCEEDINGS, EX PARTE NO. 55 (SUB-NO. 22A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 to 10906; 16 USC 1247(d); 42 USC 4332; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1105

Legal Deadline: None

Abstract: The Commission is considering whether to modify its procedures to increase certain environmental notice periods and the information included in those notices. The modifications would also require service of environmental notices on designated parties, would substitute a revamped environmental notice for the former report requirement, and would reclassify some categories of actions for which environmental analyses are required.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120–AB53

4143. ● EX PARTE NO. MC-41 (SUB-NO. 1) - IDENTIFICATION OF MOTOR VEHICLES

Legal Authority: 49 USC 11107; 49 USC 10321; 49 USC 10922; 49 USC 10530; 5 USC 553

CFR Citation: 49 CFR 1057; 49 CFR 1058

Legal Deadline: None

Abstract: This proceeding proposes to eliminate the Commission's vehicle identification requirements and invites public comment on the issues of carrier cost considerations, any need to maintain current regulations and shipper concerns.

Timetable:

Action	Date	FR Cite
NPRM	11/29/89	54 FR 49104
Comment period extended January 18, 1990	12/22/89	54 FR 52833
NPRM Comment Period End	12/29/89	54 FR 49104
Comments under review	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John W. Fristoe, Chief, Programs Branch, Office of Compliance and Consumer Assistance, Interstate Commerce Commission, Washington, DC 20423, **202 275-7844**

RIN: 3120–AB59

4144. ● RAIL ABANDONMENTS—NATIONAL TRAILS SYSTEM IMPROVEMENTS ACT, EX PARTE NO. 274 (SUB-NO. 13A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 to 10904; 16 USC 1247(d); 5 USC 553

CFR Citation: 49 CFR 1105; 49 CFR 1152

Legal Deadline: None

Abstract: The Commission has granted a joint petition by the Rails to Trails Conservancy and seven other parties to propose rules designed to implement the National Trails System Improvements Act of 1988; (1) requiring railroads abandoning lines to notify the Secretary of the Interior and the Secretary of Agriculture whether lines proposed to be abandoned contain any right-of-way that was federally granted; and (2) requiring the Commission to stay the effectiveness of any abandonment if Interior or Agriculture request that the railroad furnish them title information reasonably available from the railroad's files or files of its agents. Petitioners suggest amending environmental regulations in 49 CFR 1105.

Timetable:

Action	Date	FR Cite
NPRM	10/19/89	54 FR 42964
NPRM Comment Period End	11/20/89	54 FR 42964
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120–AB60

4145. ● PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (LIMITATIONS OF LIABILITY), EX PARTE NO. MC-19 (SUB-NO. 41)

Legal Authority: 49 USC 10321; 49 USC 11109; 49 USC 11110; 5 USC 553

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding institutes a rulemaking to explore the extent to which motor common carriers of household goods may limit their liability for loss or damage to articles of "extraordinary or unusual" value while maintaining the public right to full settlement for loss or damage to such articles.

ICC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	54 FR 46635
NPRM Comment Period End	12/06/89	54 FR 46635
Comments under review	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Heber P. Hardy, Deputy Director, Operations, Office of Compliance and Consumer Assistance, Interstate Commerce Commission, Room 4133, Washington, DC 20423, 202 275-7148

RIN: 3120–AB61

4146. ◉ CARGO LIABILITY INSURANCE, SURETY BONDS OR OTHER SECURITY REQUIRED BY MOTOR COMMON CARRIERS OF PROPERTY AND FREIGHT FORWARDERS, EX PARTE NO. MC-5 (SUB-NO. 10)

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10927; 49 USC 11701; 5 USC 553; 49 USC 1003

CFR Citation: 49 CFR 1003; 49 CFR 1043; 49 CFR 1084

Legal Deadline: None

Abstract: This proceeding proposes to eliminate the requirement that motor common carriers of property and freight forwarders file with the Commission and maintain on a continuous basis evidence of cargo liability insurance for the protection of the public. The proposal seeks to eliminate unnecessary burden and cost on carriers and freight forwarders and, if adopted, would free shippers to negotiate directly with carriers for the protection of their goods from loss and damage.

Timetable:

Action	Date	FR Cite
NPRM	11/24/89	54 FR 48779
Comment period extended to January 16, 1990	12/22/89	54 FR 53659
NPRM Comment Period End	12/27/89	54 FR 48779
Comments under review	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alice K. Ramsey, Chief, Insurance Branch Sect. of Operations, Off. of Compliance & Consumer Assistance, Interstate Commerce Commission, Room 4117, Washington, DC 20423, 202 275-0854

RIN: 3120–AB62

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

4147. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10708; 49 USC 10761; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312; 49 CFR 1314

Legal Deadline: None

Abstract: The ICC lifted a stay it had previously imposed in this proceeding in order to consider petitions for reconsideration. The result was that regulations which were previously adopted at 54 FR 6403 became effective for rail carriers only. Rail carriers are now permitted to file electronic tariffs as an alternative to printed tariffs. Rail carriers are required to accompany their electronic tariffs with identical printed tariffs until November 8, 1990. With respect to other modes, the effective date of adopted regulations is stayed pending consideration of a petition to reopen.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 9672
ANPRM Comment Period End	04/26/83	48 FR 18861
NPRM	10/22/87	52 FR 39549
NPRM Comment Period End	02/19/88	53 FR 5022
Final Action	02/10/89	54 FR 6403
Effective Date Stayed	03/13/89	54 FR 10533
Final Action Effective	03/13/89	54 FR 6403
Stay lifted in part for rail carriers	10/19/89	54 FR 42959
Petition to reopen under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Although final rules have been adopted in this proceeding, their effective date has been stayed pending disposition of a petition to reopen.

Agency Contact: Charles E. Langyher, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, 12th Street & Constitution Avenue, NW., Washington, DC 20423, 202 275-7739

RIN: 3120–AA99

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

4148. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS MANUFACTURED COMMODITIES, EX PARTE NO. 346 (SUB-NO. 24)

CFR Citation: 49 CFR 1039

Completed:

Reason	Date	FR Cite
Final Action	11/28/89	54 FR 51401
Final Action Effective	12/15/89	54 FR 51401

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lundy 202 275-6853

RIN: 3120–AB08

4149. COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

CFR Citation: 49 CFR 1134; 49 CFR 1135; 49 CFR 1145

Completed:

Reason	Date	FR Cite
Final Action	10/17/89	54 FR 42509
Final Action Effective	11/16/89	54 FR 42509

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120–AB47

4150. AMENDMENTS TO RAIL CARRIER COST RECOVERY TARIFFS, EX PARTE NO. 290 (SUB-NO. 6)

CFR Citation: 49 CFR 1312

Completed:

Reason	Date	FR Cite
Withdrawn	11/21/89	54 FR 48119

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence C. Herzig 202 275-7358

RIN: 3120–AB56

4151. EX PARTE NO. 55 (SUB-NO. 69), RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY—REVISION OF FORM OP-1

CFR Citation: 49 CFR 1003; 49 CFR 1160; 49 CFR 1162; 49 CFR 1168

Completed:

Reason	Date	FR Cite
Final Action	12/29/89	54 FR 53636
Final Action Effective	04/26/90	54 FR 53636

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Suzanne O'Malley 202 275-7292

RIN: 3120–AB57

[FR Doc. 90-5969 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LVII

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of January 31, 1990. NCUA will also include this agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of January 31, 1990.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing at the above address or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into four parts: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations"; 52 FR 35231; September 18, 1987). Executive Order No. 12291 does not require independent executive agencies, such as NCUA, to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations."

Approved by the NCUA Board on February 7, 1990.

Becky Baker,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4152	Share, Share Draft and Share Certificate Accounts	3133-AA82
4153	Investment and Deposit Activities	3133-AA87
4154	Corporate Credit Unions	3133-AB08
4155	Reporting Requirements for Newly-Chartered and Troubled Credit Unions	3133-AB12

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4156	Management Interlocks	3133-AA19
4157	Loan Participation	3133-AA49
4158	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
4159	Appraisals	3133-AB10

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4160	Records Preservation Programs	3133-AA56
4161	Employee Responsibility and Conduct	3133-AA64
4162	Credit Union Service Contracts	3133-AA95
4163	Retirement Benefits for Employees of Federal Credit Unions	3133-AA96
4164	Administrative Actions, Adjudicative Hearings and Rules of Practice and Procedure	3133-AB04
4165	Trustees and Custodians of Pension Plans	3133-AB06
4166	Share Insurance	3133-AB14

NCUA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4167	Full and Fair Disclosure	3133-AA12
4168	Nondiscrimination Requirements	3133-AA17
4169	Mergers of Federally Insured Credit Unions: Voluntary Termination or Conversion of Insurance Status	3133-AA59
4170	Loans to Members and Lines of Credit to Members	3133-AA88
4171	Loans to Members and Lines of Credit to Members	3133-AB00
4172	Designation of Low-Income Status	3133-AB03
4173	Requirements for an Outside Audit; Requirements for Insurance	3133-AB05
4174	Community Development and Revolving Loan Program	3133-AB07
4175	Administrative Action, Adjudicative Hearings and Rules of Practice and Procedure	3133-AB09
4176	Fees Paid by Federal Credit Unions; Share Insurance and One Percent Capitalization Deposit	3133-AB11
4177	Loan Interest Rates	3133-AB13

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Prerule Stage

4152. SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: An FCU's payment of dividends on share, share draft, and share certificate accounts is limited to available earnings and cannot be guaranteed in advance. Staff is considering whether a statement to this effect should be included in NCUA's share account regulation, in light of problems which NCUA has encountered with certain liquidated credit unions.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/89	
End Review	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA82

4153. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766

CFR Citation: 12 CFR 703

Legal Deadline: None

Abstract: NCUA staff is undertaking a comprehensive review of FCU investment authority in light of changes in the marketplace, e.g., increased availability of mutual funds geared primarily toward FCU's new instruments based on permissible FCU investments, new investment structures, statutory expansions of FCU investment authority.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA87

4154. ● CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1781

CFR Citation: 12 CFR 704.8

Legal Deadline: None

Abstract: Establish a limit on the percentage of fixed assets to shares and retained earnings which a corporate credit union may hold without the express written permission of the agency.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Michael Riley, Director, Office of Examination & Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB08

4155. ● REPORTING REQUIREMENTS FOR NEWLY-CHARTERED AND TROUBLED CREDIT UNIONS

Legal Authority: 12 USC 1781

CFR Citation: 12 CFR 701.14; 12 CFR 744.07

Legal Deadline: None

Abstract: Staff is currently drafting a proposed rule that requires newly-chartered and troubled credit unions to report to the NCUA the addition of any individual to the board of directors or committee or the employment of any individual as a senior executive officer of such credit union at least thirty days before the employment becomes effective. The staff is also drafting regulatory definitions of "troubled condition" and "senior executive officer."

NCUA **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AB12

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

4156. MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: This part implements the provisions of the Depository Institution Management Interlocks Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41614
ANPRM Comment Period End	01/23/89	53 FR 41614
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA19

4157. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: This proposed rule would permit FCU's needing more liquidity to enter into participation arrangements on loans previously granted and disbursed. The proposed rule also broadens the current rule by permitting FCU's to engage in loan participation with credit union service organizations.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	01/19/90	55 FR 1827
NPRM Comment Period End	04/19/90	54 FR 1827
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA49

4158. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: The proposed rule clarifies that loans of members purchased under Section 701.23, but subsequently refinanced so that they are loans the FCU is empowered to grant, are not subject to the five percent limitation imposed by the FCU Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	01/19/90	55 FR 1827
NPRM Comment Period End	04/19/90	55 FR 1827
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA50

4159. ● APPRAISALS

Legal Authority: 12 USC 1757(5)

CFR Citation: 12 CFR 722

Legal Deadline: NPRM, Statutory, February 9, 1990. Final, Statutory, August 9, 1990.

Abstract: Under Title XI of FIRREA, NCUA is required to propose and adopt a rule for federally related transactions that real estate appraisals will be in writing and meet minimum uniform standards. The five banking agencies are working together to propose a uniform regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/16/90	55 FR 5614
NPRM Comment Period End	04/17/90	55 FR 5614
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB10

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Final Rule Stage

4160. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None

Abstract: The proposed rule sets forth a technical change to the requirement for records preservation for federally insured credit unions.

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48271
NPRM Comment Period End	02/20/90	54 FR 48271
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA56

4161. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 796

Legal Deadline: None

Abstract: This regulation sets forth the rules governing NCUA employees. The rule does not affect credit unions.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	53 FR 42955
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The NCUA Board approved a final rule that was submitted to the Office of Government Ethics, OPM, for approval, in June 1988. The rule was reviewed by OPM and recommended changes have been made. In April 1989, the Board adopted a final package, designated as Part 796, as agency policy and guidelines. The package will not become a final rule until after OPM adopts its own new rules and approves Part 796 as a final regulation.

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA64

4162. CREDIT UNION SERVICE CONTRACTS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

Abstract: The proposed rule clarifies that, in general, there is no authority for an FCU to provide services and activities to other credit unions.

Timetable:

Action	Date	FR Cite
NPRM	11/21/89	54 FR 48110
NPRM Comment Period End	02/20/90	54 FR 48110
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA95

4163. RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1761b

CFR Citation: 12 CFR 701.19; 12 CFR 724

Legal Deadline: None

Abstract: Section 701.19 sets forth an FCU's authority to provide retirement benefits to employees and officers.

Timetable:

Part 724

NPRM 11/21/89 (54 FR 48112)

NPRM Comment Period End 02/20/90 (54 FR 48112)

Final Action 09/00/90

Section 701.19

ANPRM 11/21/89 (54 FR 48111)

ANPRM Comment Period End 02/20/90 (54 FR 48111)

Final Action 09/00/90

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA96

4164. ● ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS AND RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1766; 12 USC 1786; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1995C

CFR Citation: 12 CFR 747

Legal Deadline: None

Abstract: This proposed rule, issued pursuant to FIRREA, sets forth detailed procedures under which Board investigations will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	10/24/89	54 FR 43299
NPRM Comment Period End	12/26/89	54 FR 43299
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Schulman, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB04

4165. ● TRUSTEES AND CUSTODIANS OF PENSION PLANS

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 724

Legal Deadline: None

Abstract: The proposed rule authorizes Federal credit unions to offer self-directed IRA and Keogh accounts and act as the custodian of such accounts. The proposed rule is being added to reflect the guidance issued in Interpretive Ruling and Policy Statement Number 85-1.

Timetable:

Action	Date	FR Cite
NPRM	11/21/89	54 FR 48112
NPRM Comment Period End	02/20/90	54 FR 48112

NCUA **Final Rule Stage**

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB06

4166. ● SHARE INSURANCE

Legal Authority: 12 USC 1766; 12 USC 1781; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 745

Legal Deadline: None

Abstract: This proposed rule, issued pursuant to FIRREA, details procedures for the payment of share insurance, the initial determination with respect to uninsured funds, requests for reconsideration of the initial determination, and appeals to the NCUA Board.

Timetable:

Action	Date	FR Cite
NPRM	10/24/89	54 FR 43297
NPRM Comment Period End	12/26/89	54 FR 43297
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Associate General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AB14

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) Completed Actions

4167. FULL AND FAIR DISCLOSURE

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702

Legal Deadline: None

Abstract: This final rule modified the definition of risk assets. The changes adjust federally insured credit unions reserve requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38771
ANPRM Comment Period End	02/05/88	
NPRM	05/22/89	54 FR 21963
NPRM Comment Period End	08/21/89	54 FR 21963
Final Action	11/22/89	54 FR 48231
Final Action Effective	12/22/89	54 FR 48231

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9640**

RIN: 3133–AA12

4168. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None

Abstract: This section sets forth prohibitions against discrimination by FCU's in making real estate-related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41609
ANPRM Comment Period End	01/23/89	53 FR 41609
NPRM	05/22/89	54 FR 21963
NPRM Comment Period End	08/21/89	54 FR 21963
Final Action	11/02/89	54 FR 46222
Final Action Effective	12/14/89	54 FR 46222

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA17

4169. MERGERS OF FEDERALLY INSURED CREDIT UNIONS: VOLUNTARY TERMINATION OR CONVERSION OF INSURANCE STATUS

Significance: Agency Priority

Legal Authority: 12 USC 1766; 12 USC 1785; 12 USC 1786; 12 USC 1789

CFR Citation: 12 CFR 708.301; 12 CFR 708.302

Legal Deadline: None

Abstract: This amendment adds "approval" and "disapproval" boxes to the ballots used for membership voting on termination of Federal insurance on conversion from Federal insurance to non-Federal insurance.

Timetable:

Action	Date	FR Cite
NPRM	05/22/89	54 FR 21968
NPRM Comment Period End	08/21/89	54 FR 21968
Final Action	10/24/89	54 FR 43278
Final Action Effective	10/24/89	54 FR 43278

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, **202 682-9630**

RIN: 3133–AA59

4170. LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS

Legal Authority: 12 USC 1766; PL 100-86; 12 USC 1757

CFR Citation: 12 CFR 701.21(f)

Legal Deadline: None

Abstract: The final rule increased the maturity limit on second mortgage,

mobile home, and home improvement loans to twenty years.

Timetable:

Action	Date	FR Cite
ANPRM	10/25/88	53 FR 42953
ANPRM Comment Period End	01/23/89	53 FR 42953
NPRM	05/22/89	54 FR 21967
NPRM Comment Period End	08/21/89	54 FR 21967
Final Action	10/24/89	54 FR 43277
Final Action Effective	10/24/89	54 FR 43277

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA88

4171. LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS

Legal Authority: 12 USC 1752; 12 USC 1757(6); 12 USC 1766; 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 701.21(g)

Legal Deadline: None

Abstract: Staff is reviewing this section to determine if FCU's should be required to use standard mortgage loan documents and loan qualification standards. Standard documentation would enable rapid sale of such long-term mortgage loans in the secondary mortgage markets.

Timetable:

Action	Date	FR Cite
End Review - no formal action taken	10/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB00

4172. DESIGNATION OF LOW-INCOME STATUS

Significance: Agency Priority

Legal Authority: 12 USC 1752; 12 USC 1757(6); 12 USC 1766; 12 USC 1781; 12 USC 1789; PL 97-35, 95 Stat. 498; PL 99-609

CFR Citation: 12 CFR 700.1; 12 CFR 701.32; 12 CFR 705.3; 12 CFR 741.5

Legal Deadline: None

Abstract: This final rule: (1) clarifies that a Federal credit union must receive a designation from NCUA to act in the capacity of a low-income credit union; (2) establishes procedures for granting and revoking the designation; and (3) establishes that a federally insured State-chartered credit union must receive a low-income credit union designation from its State regulator with the concurrence of NCUA.

Timetable:

Action	Date	FR Cite
NPRM	07/27/89	54 FR 31198
NPRM Comment Period End	10/25/89	54 FR 31198
Final Action	01/19/90	55 FR 1792
Final Action Effective	02/18/90	55 FR 1792

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB03

4173. ● REQUIREMENTS FOR AN OUTSIDE AUDIT; REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761(a); 12 USC 1761(b); 12 USC 1766; 12 USC 1766(a); 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1796

CFR Citation: 12 CFR 701.13; 12 CFR 741

Legal Deadline: Final, Statutory, December 7, 1989.

Abstract: This rule prescribes the regulatory requirement for an outside audit of any federally insured credit union by a certified public accountant under certain specified conditions.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/07/89	54 FR 51381
Final Action	12/15/89	54 FR 51381

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9640

RIN: 3133–AB05

4174. ● COMMUNITY DEVELOPMENT AND REVOLVING LOAN PROGRAM

Legal Authority: PL 97-35; PL 99-609; 42 USC 9822 note; PL 101-144

CFR Citation: 12 CFR 705

Legal Deadline: None

Abstract: This amendment makes technical changes so that the NCUA can begin making loans from the Community Development Credit Union Revolving Loan Fund ("Fund"). Congress recently amended the Federal Credit Union Act to clarify that the Fund is subject only to the rules and regulations prescribed by the NCUA Board.

Timetable:

Action	Date	FR Cite
Final Action	12/15/89	54 FR 51383
Final Action Effective	12/15/89	54 FR 51383

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB07

4175. ● ADMINISTRATIVE ACTION, ADJUDICATIVE HEARINGS AND RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1766; 12 USC 1786; 12 USC 1787; 12 USC 1789; 12 USC 1995c

CFR Citation: 12 CFR 747

Legal Deadline: None

Abstract: This rule was added to reflect applicable provisions of FIRREA. It makes substantial changes and clarifies NCUA's enforcement authority, including changes and clarification to NCUA's cease-and-desist, removal, suspension, prohibition, and civil money penalty authorities.

Timetable:

Action	Date	FR Cite
Final Action	10/24/89	54 FR 43280
Final Action Effective	10/24/89	54 FR 43280

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Associate General Counsel, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB09

4176. ● FEES PAID BY FEDERAL CREDIT UNIONS; SHARE INSURANCE AND ONE PERCENT CAPITALIZATION DEPOSIT

Legal Authority: 12 USC 1752(5); 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1781; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.6; 12 CFR 741.9

Legal Deadline: None

Abstract: This amendment provides for assessment of administrative fee and interest for any operating fee, insurance capitalization deposit, or insurance premium payment which is not received on its due date.

Timetable:

Action	Date	FR Cite
Final Action	01/19/90	55 FR 1798
Final Action Effective	01/19/90	55 FR 1798

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Herbert S. Yolles, Controller, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9710

RIN: 3133–AB11

4177. ● LOAN INTEREST RATES

Legal Authority: 12 USC 1752(5); 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; PL 101-73

CFR Citation: 12 CFR 701

Legal Deadline: None

Abstract: The current 18 percent per year Federal credit union loan rate ceiling was scheduled to revert to 15 percent on March 9, 1990, unless otherwise provided by the NCUA Board. On January 11, 1990, the NCUA Board extended the 18 percent Federal credit union loan rate ceiling for the period from March 9, 1990, through September 8, 1991.

Timetable:

Action	Date	FR Cite
Final Action	01/19/90	55 FR 1795
Final Action Effective	03/09/90	55 FR 1795

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Bradford, Chief Economist, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9621

RIN: 3133–AB13

[FR Doc. 90-5970 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LVIII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

0 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354 "The Regulatory Flexibility Act" and Executive Order 12291 "Federal Regulation." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on October 30, 1989 (54 FR 45620).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Attention: Docketing and Service Branch. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying at a cost of ten cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call, toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on October 30, 1989 (54 FR 45620).

Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through February 23, 1990. The date under the heading "Timetable," for the next scheduled action, is the date the rule is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. The regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The EDO initiated a procedure for review of the regulations being prepared by staff offices that report to him to ensure that staff resources are allocated most effectively to achieve NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Seven rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 13th day of February 1990.

David L. Meyer,

Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4178	Night Firing Qualifications for Security Guards at Nuclear Power Plants	3150-AC88
4179	Conduct of Employees; Miscellaneous Amendments	3150-AD15
4180	Amendments to Part 60 to Delineate Anticipated Processes and Events and Unanticipated Processes and Events	3150-AD31
4181	Import and Export of Radioactive Wastes	3150-AD36
4182	Clarifying Amendment Relating to Enforcement Activities	3150-AD41

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4183	Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
4184	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance and Conditions of Construction Permits	3150-AA68
4185	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
4186	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
4187	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
4188	NRC Acquisition Regulation (NRCAR)	3150-AC01
4189	Availability of Official Records	3150-AC07
4190	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
4191	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
4192	Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites	3150-AC56
4193	Basic Quality Assurance Program for Medical Use of Byproduct Material	3150-AC65
4194	Revision of Definition of Meeting	3150-AC78
4195	Notifications of Incidents	3150-AC91
4196	Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)	3150-AC93
4197	Licensing and Radiation Safety Requirements for Large Irradiators	3150-AC98
4198	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
4199	Nuclear Plant License Renewal	3150-AD04
4200	Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/1988 Addenda)	3150-AD05
4201	Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components	3150-AD10
4202	Clarification of General Physical Protection Requirements	3150-AD16
4203	Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation	3150-AD26
4204	Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository	3150-AD27
4205	Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities	3150-AD30
4206	Emergency Response Data System	3150-AD32
4207	Low-Level Waste Manifest Information and Reporting	3150-AD33
4208	Requirements for Possession of Industrial Devices	3150-AD34
4209	Holding Unlicensed Persons Accountable for Willful Misconduct	3150-AD38
4210	Emergency Telecommunications System Upgrade	3150-AD39
4211	Clarification of Emergency Preparedness Regulations	3150-AD40
4212	Salary Offset Procedures for Collecting Debts Owned by Federal Employees to the Federal Government	3150-AD44
4213	Iridium-192 Wire for Interstitial Treatment of Cancer	3150-AD46
4214	Emergency Preparedness Regulations	3150-AD48
4215	Reinvestigation of Individuals Granted Unescorted Access to Nuclear Power Plants	3150-AD49
4216	Radiation Dose Criteria for Accidents at High-Level Waste Geologic Repositories	3150-AD51

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4217	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
4218	Standards for Protection Against Radiation	3150-AA38
4219	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
4220	Personnel Access Authorization Program	3150-AA90
4221	Elimination of Inconsistencies between NRC Regulations and EPA HLW Standards	3150-AC03
4222	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
4223	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
4224	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57
4225	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	3150-AC64
4226	Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites	3150-AC76
4227	Debt Collection Procedures	3150-AC87
4228	Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants	3150-AD00
4229	Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events	3150-AD01
4230	Minor Amendments to Physical Protection Requirements	3150-AD03
4231	Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications	3150-AD17
4232	Export of Heavy Water to Canada	3150-AD20
4233	Revision of Fee Schedules: Radioisotope Licenses	3150-AD23
4234	ASNT Certification of Industrial Radiographers	3150-AD35

NRC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4235	Suspension of Access Authorization and/or Employment Clearance; Delegation of Authority to Deputy Executive Directors	3150-AD42
4236	Freedom of Information Act, Privacy Act, Production or Disclosure in Response to Subpoena or Demands of Court or Other Authorities; Office of the Inspector General	3150-AD45
4237	Discrimination on the Basis of Sex	3150-AD50

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4238	Safety Requirements for Industrial Radiographic Equipment	3150-AC12
4239	Sequestration of Witnesses Interviewed Under Subpoena/Disqualification of Attorneys	3150-AD06
4240	Palladium-103 for the Interstitial Treatment of Cancer	3150-AD11
4241	Statement of Organization and General Information; Minor Amendments	3150-AD18
4242	Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements	3150-AD19
4243	Preserving the Free Flow of Information to the Commission	3150-AD21
4244	Credit Checks—Expanded Personnel Security Investigative Coverage	3150-AD28
4245	Change in Commercial Telephone Number for Region III Office	3150-AD37
4246	Centralization of Material Control and Accounting Responsibilities for Nonreactor Facilities	3150-AD47
4247	Fingerprint Cards; Increase in Fee	3150-AD52

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

4178. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The rulemaking would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The amendment will standardize training and qualification in night firing and prepare power reactor guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only require minor licensing, inspection and other regulatory actions. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking. There is no occupational exposure.

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3773

RIN: 3150–AC88

4179. CONDUCT OF EMPLOYEES; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000

Legal Deadline: None

Abstract: The rule would clarify and correct typographical errors in 10 CFR Part 0 concerning acts affecting a personal financial interest; confidential statement of employment and financial interests; and restriction against ownership of certain security interests by Commissioners, certain staff members, and other related personnel.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

NRC

Prerule Stage

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Susan Fonner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1632

RIN: 3150–AD15

4180. AMENDMENTS TO PART 60 TO DELINEATE ANTICIPATED PROCESSES AND EVENTS AND UNANTICIPATED PROCESSES AND EVENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: In 10 CFR Part 60, licensing requirements for disposal of radioactive wastes in geologic repositories, certain performance requirements for the repository are based on an assumption of the occurrence of anticipated processes and events. The specific meaning and use of this term, and unanticipated processes and events, needs further clarification. This rulemaking would modify the definition of this term in Section 60.2, modify Section 60.113, which describes the use of this term and modify the definition of "geologic setting" in Section 60.2, and modify the use of that term in Section 60.102.

The objective of the rulemaking is to improve the licensing process for the geologic repository program. It would have no adverse effects on the licensee or the public. It is expected that the resources expended by NRC on the rulemaking would be more than offset by resources saved during the licensing process.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3810

RIN: 3150–AD31

4181. ● IMPORT AND EXPORT OF RADIOACTIVE WASTES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations by reexamining the existing NRC regulations for the import and export of radioactive wastes. This action is necessary to respond to concerns that international transfers of radioactive wastes, in particular low-level radioactive wastes, may not be properly controlled. Various options for establishing a Commission policy on the import and export of radioactive wastes are being considered. The Commission is publishing this ANPRM to seek comments from the public, industry, and other government agencies on various regulatory options and issues developed thus far.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/90	55 FR 4181
ANPRM Comment Period End	04/24/90	55 FR 10786

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin Peterson, Nuclear Regulatory Commission, Office of Governmental and Public Affairs, Washington, DC 20555, 301 492-0344

RIN: 3150–AD36

4182. ● CLARIFYING AMENDMENT RELATING TO ENFORCEMENT ACTIVITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations concerning compliance with the procedural requirements of the National Environmental Policy Act of 1969, as amended (NEPA). This rule makes it clear that the provision excluding NRC enforcement activities from NEPA requirements not only encompasses formal enforcement actions but also encompasses informal administrative mechanisms relating to enforcement such as bulletins, information notices, generic letters, notices of deviation, notices of nonconformance, and confirmatory action letters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Stuart A. Treby, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1636

RIN: 3150–AD41

NUCLEAR REGULATORY COMMISSION (NRC) Proposed Rule Stage

4183. AMENDMENT TO 10 CFR 51.51 AND 51.52, TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule amends the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for releases of technetium-99 and radon-222, and by updating other estimates. The proposed rule's Appendix B to Subpart A (narrative explanation), also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these releases. The proposed rule also amends 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The proposed revisions of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide an explanatory narrative for Table S-3 has been revised to reflect new modeling developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3739

RIN: 3150–AA31

4184. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE AND CONDITIONS OF CONSTRUCTION PERMITS

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by operating license (OL) holders and construction permit (CP) holders. In addition, Part 21 requires reporting of safety defects by non-licensee vendors. The proposed amendments were prompted by the TMI Action Plan Task II.J.4 and NRC staff experience with Part 21 and sec. 50.55(e) reporting. The main objectives of the rulemaking effort are: (1) reduction of duplicate evaluation and reporting of safety defects; (2) establishment of a consistent threshold for safety defect reporting in Part 21 and sec. 50.55(e); (3) establishment of a consistent, uniform content of reporting under Part 21 and sec. 50.55(e); and (4) establishment of consistent time frames for reporting of defects in Part 21 and sec. 50.55(e). Approximately 200 reports are submitted to the Commission annually under Part 21. Approximately 750 sec. 50.55(e) reports are submitted annually. These reports identify both plant-specific and generic safety defects requiring further NRC evaluation and regulatory action. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44594
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Under the current Part 21 and sec. 50.55(e), these reports have formed the basis for NRC issuance of numerous NRC generic communications.

The proposed rulemaking will reduce duplicate reporting and evaluation of safety defects which now exist. The rulemaking will establish a more coherent regulatory framework that is expected to reduce the industry reporting and evaluation burden significantly without any reduction in reporting safety defect information.

Current annual costs of reporting under Part 21 and sec. 50.55(e) are estimated at approximately $6 million dollars for industry and $680,000 for NRC evaluations. It is anticipated that the annual industry reporting burden should be reduced by approximately $800,000 while the NRC burden will be slightly reduced. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for evaluation, reporting and recordkeeping and training in these procedures.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of Operational Data, Washington, DC 20555, 301 492-4442

RIN: 3150–AA68

4185. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1.0 staff year of NRC time will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: **Harold Peterson,** Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3640**

RIN: 3150–AB01

4186. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 05 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. In 1987, the Commission deferred consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings under 10 CFR Part 110. In 1989, former Chairman Zech requested resubmission of this proposed rule for reconsideration by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **C. Sebastian Aloot,** Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, **301 492-7787**

RIN: 3150–AB66

4187. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would clarify in the Commission's regulations the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend on Commission guidance received on the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR Chapter I.

Agency Contact: **Jerry N. Wilson,** Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3729**

RIN: 3150–AB88

4188. NRC ACQUISITION REGULATION (NRCAR)

Legal Authority: 42 USC 2201; 42 USC 5841; 41 USC 401

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the governmentwide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures,

solicitation provisions, or contract clauses needed to meet specific NRC needs.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40420
NPRM Comment Period End	12/01/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Mary Lynn Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-8788**

RIN: 3150–AC01

4189. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw, pursuant to 10 CFR 2.790(c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and insures that these (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. Lastly, this implied license is not applicable to fair use of copyrighted works or the incorporation by reference of copyrighted works in agency submittals.

Agency Contact: Catherine Holzle, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1560**

RIN: 3150–AC07

4190. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

The action on this rule is dependent on the issuance of a broad Commission policy statement on exemptions from regulatory control.

Agency Contact: Robert Meck, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3737**

RIN: 3150–AC35

4191. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations to

require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An ANPRM was published to request public comment on the extent to which in addition to the basic quality assurance procedures (being addressed by another rulemaking action, entitled "Basic Quality Assurance Program for Medical Use of Byproduct Material"), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM Comment Period End	12/31/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC42

4192. CRITERIA FOR LICENSING THE CUSTODY AND LONG-TERM CARE OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1987 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the determination that the site has been properly reclaimed or closed and (2) a Surveillance and Maintenance Plan that meets the requirements of the general license has been received by NRC. No significant impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/88	53 FR 32396
ANPRM Comment Period End	10/24/88	
NPRM	02/06/90	55 FR 3970
NPRM Comment Period End	04/23/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3877**

RIN: 3150–AC56

4193. BASIC QUALITY ASSURANCE PROGRAM FOR MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material. The proposed amendments would require medical use licensees to establish and implement a written basic quality assurance program to prevent, detect, and correct the cause of errors in the administration of byproduct material. The proposed action is necessary to provide for improved patient safety. The proposed amendment, which is intended to prevent errors in medical use, would primarily affect hospitals, clinics, and individual physicians. Modification of reporting and recordkeeping requirements for diagnostic and therapy events or misadministration are also proposed in this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1439
NPRM Comment Period End	04/12/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC65

4194. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889), and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AC78

4195. NOTIFICATIONS OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: This rulemaking would amend 10 CFR 20.403(a) and (b) to revise the licensees' reporting requirements for material licensees

only. In addition, new sections will be developed and added to Parts 30, 40, and 70. While 10 CFR 20.403(a) and (b) are reasonably clear in terms of licensee reporting requirements for events involving "exposures" and "releases" of radioactive materials, these sections are not clear concerning events involving "loss of operation" and "damage to property." The staff believes these criteria are not necessarily indicative of events that pose a hazard to public health and safety or the environment. The periodic loss of operation of a facility due to age or normal wear is expected and usually poses no additional hazard to the public or environment. The same is true for the cost of repairing damage which may be high because of extenuating circumstances and not due to the extent of the damage or its effect on any licensed material. The deleted sections will be replaced with new criteria which will be added to Parts 30, 40, and 70. The staff believes the new requirements to these parts are more indicative of potentially significant events (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: affecting the health and safety of the public and the environment. In addition, the rulemaking also defines "immediate" in actual time, e.g., within 4 hours, for reporting requirements.

This rulemaking action will revise a current Commission regulation; there is no other appropriate procedure to accommodate the clarification.

The health and safety of the public will be better protected because improved reporting requirements will reduce the potential risk of exposure to radiation. Revising the reporting requirements will also simplify regulatory functions and free the staff from unnecessary additional investigation and, at the same time, protect the industry from unnecessary and unexpected fines.

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3795

RIN: 3150–AC91

4196. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments, and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachments in light-water cooled power plants.

Incorporation by reference of Subsection IWE will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR Part 50) and Appendix J of 10 CFR Part 50. Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age. (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: If the NRC did not take action to endorse the Subsection IWE rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National Standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Incorporating by reference the latest edition and addenda of Subsection IWE will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

Agency Contact: Wallace E. Norris, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3805

RIN: 3150–AC93

4197. LICENSING AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 036

Legal Deadline: None

Abstract: The proposed rule would develop regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3757

RIN: 3150–AC98

4198. MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations concerning training and experience criteria for individuals involved in medical use of byproduct material. Rulemaking may be needed to reduce the chance of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an ANPRM published May 25, 1988. The NRC has hired a contractor to study training, accreditation and certification programs that are now in place. The NRC staff will analyze the study results, due in January 1990, and the comments received to determine whether regulatory action is necessary.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM Comment Period End	08/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 492-3417

RIN: 3150–AC99

4199. NUCLEAR PLANT LICENSE RENEWAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule is scheduled for completion prior to the anticipated submittal of license renewal applications for Yankee Rowe and Monticello. The rule will provide the basis for development and review of these two "lead plant" applicants and the concurrent development of implementing regulatory guidance. Timely completion of the rule is critical for establishing standards for continued safe operation of power reactors during the license renewal term and providing the regulatory stability desired by utilities in determining whether to prepare for license renewal or pursue alternative sources of generating capacity.

License renewal rulemaking to provide regulatory requirements for extending nuclear power plant licenses beyond 40 years was initiated in response to the Commission's 1986 and 1987 policy and planning guidance. Current regulatory provisions permit license renewal but do not provide requirements for the form and content of a license renewal application nor the standards of acceptability against which the application will be reviewed.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/88	53 FR 32919
ANPRM Comment Period End	10/28/88	
NPRM	05/30/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donald Cleary, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3936

RIN: 3150–AD04

4200. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987/1988 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda, the 1987 Addenda, the 1988 Addenda, and the 1989 Edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Also, the proposed amendment would impose augmented examination of reactor vessel shell welds and would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division I.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. In addition, the proposed rule would require licensees to augment their reactor vessel examination by implementing the

expanded reactor vessel shell weld examinations specified in the 1989 Edition of Section XI and would clarify the existing requirements in the regulation for inservice inspection and inservice testing.

This action will be handled as a routine updating of 10 CFR 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is scheduled for a period of 7.5 months with an estimated staff effort of 400 p-hrs.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3848**

RIN: 3150–AD05

4201. ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. These regulations are believed to be necessary to provide an acceptable level of assurance that products purchased for use in nuclear power plants will perform as expected to protect the public health and safety. This ANPRM is published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/89	54 FR 9229
ANPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Max J. Clausen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0969**

RIN: 3150–AD10

4202. CLARIFICATION OF GENERAL PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the regulations regarding general physical protection for fixed sites to clarify the intent that physical protection against sabotage or theft, or both, must be provided only as required by specific sections of 10 CFR Part 73 which apply to designated classes of facilities or material. This action is necessary because the Atomic Safety and Licensing Board, in a recent ruling issued an interpretation of this provision which is different from the Commission's intent and application.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Phillip Cota, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, **301 492-1225**

RIN: 3150–AD16

4203. CONSIDERATION OF ENVIRONMENTAL IMPACTS OF TEMPORARY STORAGE OF SPENT FUEL AFTER CESSATION OF REACTOR OPERATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by revising the generic determination concerning the timing of availability of a geologic repository for commercial high-level radioactive waste and spent fuel and the environmental impacts of storage of spent fuel at reactor sites after the expiration of reactor operating licenses. The proposed amendments reflect proposed findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding which was published in the Federal Register on September 28, 1989 (54 FR 39768).

Timetable:

Action	Date	FR Cite
NPRM	09/28/89	54 FR 39765
NPRM Comment Period End	12/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Julia Corrado, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-0434**

RIN: 3150–AD26

4204. PROCEDURES APPLICABLE TO PROCEEDINGS FOR THE ISSUANCE OF LICENSES FOR THE RECEIPT OF HIGH-LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). The proposed revisions are intended to facilitate the Commission's ability to comply with the schedule for the Commission's decision on the construction authorization for the repository, while providing for a through technical review of the license application and the equitable treatment of the parties to the hearing. The proposed rule would establish a new standard for the admission of initial contentions, would define "late contentions" as any contention proposed after the initial contentions were submitted, would require parties to present direct testimony on contentions, would establish a compulsory hearing schedule, and

would eliminate sua sponte review by the Commission's adjudicatory boards.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39387
NPRM Comment Period End	11/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Stuart Treby, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1636

RIN: 3150–AD27

4205. DAY FIRING QUALIFICATIONS AND PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require that security personnel qualify and requalify annually on specific standardized day firing courses using all assigned weapons. Current regulations require day firing qualification using a national police course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. A firing course specified for shotguns is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

Additionally, current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform, (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: enforceable program. Guidance will be developed to ensure that such a program will not, at the same time, endanger the health of those participating in it.

The proposed rule would amend 10 CFR Part 73, Appendix H, to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC because day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment. The cost to the NRC would be in the area of licensing and inspection activities. Neither area of rulemaking affects occupational exposure.

Agency Contact: Stanley L. Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3745

RIN: 3150–AD30

4206. EMERGENCY RESPONSE DATA SYSTEM

Legal Authority: 42 USC 2131; 42 USC 2133; 42 USC 2134; 42 USC 2135; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5843; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by requiring the implementation of the NRC-approved Emergency Response Data System (ERDS) at all licensed nuclear power plants. The primary role of the Nuclear Regulatory Commission during an emergency at a licensed nuclear power facility is one of monitoring the licensee to assure that appropriate recommendations are made with respect to necessary offsite actions to protect public health and safety. In order to adequately perform its role during an emergency, the NRC requires accurate and timely data on four types of parameters: (1) the reactor core and coolant system conditions to assess the extent or likelihood of core damage; (2) the conditions inside the containment building to assess the likelihood of its failure; (3) the radioactivity release rates to assess the immediacy and degree of public danger; and (4) the data from the plant's meteorological tower to assess the distribution of potential or actual impact on the public. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The rule would require that the licensees provide the required hardware and software to transmit the data in a format specified by the NRC. The NRC would require that the licensee activate the ERDS as soon as possible following the declaration of an alert condition. Based on a site survey of 80 percent of licensed facilities, the current estimates of licensee costs are $20K-50K for software and $0-100K for hardware. The current estimated cost to NRC is $2.6 million. The proposed changes to 10 CFR Part 50 will be issued for public comment. The rulemaking task will be scheduled over a 2-year period ending March 1991 and will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Markley Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3749

RIN: 3150–AD32

4207. LOW-LEVEL WASTE MANIFEST INFORMATION AND REPORTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 061

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to: (1) augment and improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (3) require that operators periodically submit, in an electronic format, reports of shipment manifest information.

To ensure safe disposal of LLW, the NRC must understand the mechanisms and rates by which radioactivity can be released from LLW and into the environment. To do this, the NRC must understand the chemical, physical, and radiological characteristics of LLW. This task is greatly complicated by the heterogeneous nature of LLW; it exists in a variety of chemical and physical forms and contains roughly 200 different radionuclides in concentrations that can range from a few microcuries to several hundred curies per cubic foot. Each year there are thousands of shipments of LLW disposal sites. (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Interim Final Rule	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Pursuant to Section 20.311, a manifest must accompany each shipment of LLW to a disposal facility. Unfortunately, existing manifests do not describe the waste in detail sufficient to ensure compliance with the Part 61 performance objectives. In addition, NRC's regulations do not require that disposal site operators develop and operate computer systems for storage and manipulation of shipment manifests information. The NRC believes that such onsite computer systems are necessary for safe disposal facility operation. The NRC also believes that a national data base is needed which contains information on LLW disposed at all sites.

A rulemaking to upgrade shipment manifests and require disposal site computer recordkeeping systems will assure that technical information on LLW is available and in a form which can be used for performance assessments, technical analyses, and other activities. DOE has agreed to establish and operate a national LLW data system based on their mandate under the Low-level Radioactive Waste Policy Amendments Act of 1985.

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3877

RIN: 3150–AD33

4208. REQUIREMENTS FOR POSSESSION OF INDUSTRIAL DEVICES

Legal Authority: 42 USC 2111; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 031

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC on a periodic basis. The proposed report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal. The proposed rule would impose a small burden on device users and the NRC.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3795

RIN: 3150–AD34

4209. ● HOLDING UNLICENSED PERSONS ACCOUNTABLE FOR WILLFUL MISCONDUCT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 070; 10 CFR 072; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would amend the regulations to put licensed persons on notice that they may be held accountable for willfully causing violations of the Commission's requirements or for otherwise willfully causing conditions that are related to licensed activities and are adverse to the public health and safety. The proposed rule would subject a person who violates the substantive prohibition to enforcement action under existing regulations. The proposed rule will enable the Commission to better address willful misconduct that undermines, or calls into question, adequate protection of the public health and safety.

Timetable:

Action	Date	FR Cite
NPRM	04/03/90	55 FR 12374
NPRM Comment Period End	06/18/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Geoffrey Cant, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 492-3283

RIN: 3150–AD38

4210. ● EMERGENCY TELECOMMUNICATIONS SYSTEM UPGRADE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require the implementation of the NRC's Emergency Telecommunications

System (ETS) upgrade at all licensed nuclear power plants and selected fuel cycle facilities. The NRC's primary role in an emergency at a licensed nuclear facility is one of monitoring the licensee to ensure that appropriate recommendations are made with respect to offsite protective actions. In order to adequately perform this function, the NRC requires reliable communications with the licensee and the regional offices. Experience with the currently installed ETS has indicated that a sufficient number of problems exist to warrant a system upgrade.

The ETS upgrade will be comprised of a satellite network to transmit between the NRC Operations Center, the Regions, the Technical Training Center (TTC), and the licensee sites with a land-based telephone exchange backup system. This design is expected to provide the necessary emergency telecommunications functions with sufficient redundancy to ensure availability even under the challenging (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: communication conditions that were existing during a nuclear emergency. The licensees will be required to provide the hardware, logistics, operational and maintenance support to implement the ETS upgrade at their sites.

Agency Contact: Markley Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3749**

RIN: 3150–AD39

4211. ● CLARIFICATION OF EMERGENCY PREPAREDNESS REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in Section 50.47(a) and 16 planning standards outlined in Section 50.47(b). In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be simplified or clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

In a December 23, 1988, memorandum to the EDO from SECY, the staff was directed to review the "...NRC's emergency planning regulations and propose revisions designed to eliminate ambiguity and clarify the regulations to include what constitutes the exercise scope prior to the full power licensing...." The staff outlined the proposed rulemaking in a memorandum from the EDO to the Commission dated June 29, 1989. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: It is estimated that 2 staff-years of effort over 2 years will be required for this rulemaking.

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3918**

RIN: 3150–AD40

4212. ● SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWNED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 016

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish collection procedures enabling the NRC to recover certain debts (by deductions from pay) which are owned by Federal employees to the NRC or other Federal agencies. The proposed rule is necessary to conform NRC regulations to the Debt Collection Act of 1982 which requires each agency to establish a salary offset program for the collection of these debts. The proposed action is intended to allow the NRC to improve its collection of debts due to the United States. In August 1989, OPM alerted NRC that its proposed salary offset regulations had not been submitted for review and approval and requested that they be submitted as soon as possible. The procedures must be submitted to OPM for review and approval prior to becoming a final rule. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. The proposed rule has no impact on the public and negligible impact on NRC resources to implement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Diane B. Dandois, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, **301 492-7558**

RIN: 3150–AD44

4213. ● IRIDIUM-192 WIRE FOR INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the medical uses of byproduct material. The proposed amendment would add iridium-192 wire to the list of brachytherapy sources permitted for use in interstitial treatment of cancer. Under current NRC regulations, users must have their licenses amended before they may use this brachytherapy source. The proposed rule has been developed in response to a petition for rulemaking (Docket No. PRM-35-8) submitted by Amersham Corporation.

NRC — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150–AD46

4214. ● EMERGENCY PREPAREDNESS REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning those portions of emergency plans which cannot be exercised prior to issuance of a Part 52 combined license. This rulemaking will be accomplished on a "high priority basis" as directed in a staff requirements memorandum dated September 12, 1989.

It is estimated that 2 staff-years of effort over 2 years will be required for this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3918

RIN: 3150–AD48

4215. ● REINVESTIGATION OF INDIVIDUALS GRANTED UNESCORTED ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require periodic updates of FBI fingerprint checks for reinvestigation of individuals granted unescorted access to nuclear power plants or access to safeguards information. The current regulations require each licensee who is authorized to operate a nuclear power plant under Part 50 to submit fingerprint cards to the NRC for those individuals who are permitted unescorted access to a nuclear power facility or to safeguards information and who are used to secure a review of the individual's criminal history record by the FBI. Information received from the FBI is reviewed by the licensee in order to determine whether further unescorted access to the facility or to safeguards information should continue to be granted or denied. The current regulations do not include a reinvestigation element.

This rulemaking will have a minimal impact on the NRC because of the NRC's limited participation in processing the reinvestigations. The impact on industry will include (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the cost of fingerprinting and submitting fingerprint cards through the NRC to the FBI for criminal history checks. The current regulation requires payment of $15 per investigation, payable by the industry. It is expected that this rate would also apply for each reinvestigation and would constitute full reimbursement to the government.

It is estimated that 0.5 staffyears of effort over 2 years will be required for the rulemaking.

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3773

RIN: 3150–AD49

4216. ● RADIATION DOSE CRITERIA FOR ACCIDENTS AT HIGH-LEVEL WASTE GEOLOGIC REPOSITORIES

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning radiation dose criteria. Several issues associated with radiation dose criteria have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. The central issue is the development of radiation dose criteria for a postulated accident that DOE would use to establish a limited access area for the high-level waste (HLW) geologic repository. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on radiation dose criteria for postulated accidents to be used by DOE for the siting design of a geologic repository.

The proposed amendment would require the establishment of a limited access area, based on radiation dose criteria, for the siting of the geologic repository. In addition, a number of new definitions would need to be included. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: It is estimated that 3.2 staff years over a 2-year period will be required to complete the rulemaking.

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3794

RIN: 3150–AD51

NUCLEAR REGULATORY COMMISSION (NRC) — Final Rule Stage

4217. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and has been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F. 2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 revises the EAJA, and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1600**

RIN: 3150–AA01

4218. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities; International Commission on Radiological Protection (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action, delay for further guidance, and partial revision (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	10/31/86	
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving the highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; and providing an understandable health-risk base for protection.

The cost of implementing the revision is estimated to be $33 million for all NRC and Agreement State licensees in the initial year and about $8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3640**

RIN: 3150–AA38

4219. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice that is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss-of-coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: A detailed analysis of costs, benefits, and occupational exposures is available in the NRC Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3814**

RIN: 3150–AA86

4220. PERSONNEL ACCESS AUTHORIZATION PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 073

Legal Deadline: None

Abstract: The Commission has concluded that it is appropriate for each licensee who operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, which would require an access authorization program at nuclear power plants (42 FR 30726).

An alternative proposal by the Nuclear Utility Management and Resource Committee (NUMARC) was submitted as a public comment on this proposed rule. The alternative proposed a voluntary industry commitment to implement an access authorization program at nuclear power plants based upon industry guidelines. Major provisions of this program include background investigation, psychological evaluation, and behavioral observation. (cont)

Timetable:

Action	Date	FR Cite
Proposed Policy Statement Published	03/09/88	53 FR 7534
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

On June 18, 1986, the Commission approved developing a policy statement endorsing industry guidelines as an alternative to the proposed rulemaking. Commitments to adhere to these guidelines would be formalized through amendments to the physical security plans and be subject to inspection and enforcement by NRC.

On March 9, 1988 (53 FR 7534), the NRC published a proposed policy statement endorsing the NUMARC guidelines. In the Federal Register notice, the Commission specifically requested public comments as to whether the access authorization program should be a rule or a policy statement.

On April 19, 1989, the Commission decided to go forward with a final rule which would require all licensees to have an access authorization program and would specify the major attributes of the program. The NRC would also issue a regulatory guide which would endorse, with appropriate exceptions, the applicable industry guidelines, as an acceptable way of complying with the rule.

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AA90

4221. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA HLW STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff-years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AC03

NRC

Final Rule Stage

4222. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32914
NPRM Comment Period End	10/28/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3638

RIN: 3150–AC14

4223. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. In addition, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
NPRM Comment Period End	02/09/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment. The task will consume 2-3 staff-years of effort depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3784

RIN: 3150–AC41

4224. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would establish NRC as the sole authority for approving onsite disposal of very low-level waste at all NRC licensed reactors and at Part 70 facilities. There is a need to amend 10 CFR 150.15 to authorize one agency (the NRC) to regulate all such onsite disposal of very low-level waste in order to provide a comprehensive regulatory review, to ensure that sufficient records of disposals are retained, to avoid unnecessary duplication of effort, and to provide greater assurance that the site can be released for unrestricted use upon decommissioning.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31880
NPRM Comment Period End	10/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Telford, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3796

RIN: 3150–AC57

NRC

Final Rule Stage

4225. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 004

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under Section 504 are also subject to the Architectural Barriers Act, government wide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the Section 504 regulations or more than one Federal agency. The U.S. Department of Justice (DOJ) is the lead agency in proposing this amendment. The U.S. Nuclear Regulatory Commission is joining DOJ and other Federal agencies in the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment Period End	05/08/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization/Civil Rights, Washington, DC 20555, **301 492-7106**

RIN: 3150–AC64

4226. STORAGE OF SPENT NUCLEAR FUEL IN NRC-APPROVED STORAGE CASKS AT NUCLEAR POWER REACTOR SITES

Legal Authority: 42 USC 10153; 42 USC 10198

CFR Citation: 10 CFR 50; 10 CFR 72; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) Section 218 (a) which states in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector, for dry storage of spent nuclear fuel at civilian nuclear power reactor sites. The objective of this program is establishing one or more technologies that the Commission may, by rule, approve for use at sites at civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this rulemaking is timely. NRC resource requirements are anticipated to be about two staff years.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19379
NPRM Comment Period End	06/19/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Telford, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3796**

RIN: 3150–AC76

4227. DEBT COLLECTION PROCEDURES

Legal Authority: 31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 015

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the procedures that the NRC uses to collect its debts. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to improve the collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. No comments were received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39480
NPRM Comment Period End	11/21/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Graham D. Johnson, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, **301 492-7535**

RIN: 3150–AC87

4228. ENSURING THE EFFECTIVENESS OF MAINTENANCE PROGRAMS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet these requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and would be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and $600,000 for contract

services will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47822
NPRM Comment Period End	02/27/89	53 FR 52716

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3730

RIN: 3150–AD00

4229. FRACTURE TOUGHNESS REQUIREMENTS FOR PROTECTION AGAINST PRESSURIZED THERMAL SHOCK EVENTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule revises the Pressurized Thermal Shock (PTS) rule, published on July 23, 1985, which established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The PTS rule prescribed how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed amendment revises the calculative procedures to be consistent with that given in Revision 2 of Regulatory Guide 1.99. This guide, which was published in final form in May 1988, provides an updated correlation of embrittlement data.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses in the next 10 years. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/26/89	54 FR 52946
NPRM Comment Period End	03/12/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Therefore, a high priority is being given to this effort.

Immediate costs to industry will be those required for each utility to update the January 23, 1986, submittal required by the PTS rule, using fluence estimates that take account of flux reduction efforts in the interim and using the new procedure for calculating RT/PTS. In addition, three to five plants will need to make the expenditure of an estimated 2.5 million dollars for the plant-specific analysis in the 1990s instead of 10 to 15 years later.

Agency Contact: Pryor N. Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3842

RIN: 3150–AD01

4230. MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The proposed rule amends the Commission's regulations dealing with physical protection requirements that are out of date, susceptible to differing interpretations, or in need of clarification. These problems were identified by a systematic review of the agency's safeguards regulations and guidance documents conducted by the Safeguards Interoffice Review Group (SIRG). In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) add definitions for common terms not currently defined by frequent use, (2) delete action dates that no longer apply, (3) correct outdated terms and cross references, (4) clarify wording that is susceptible to differing interpretations, (5) correct typographical errors, and (6) make other minor changes. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/89	54 FR 33570
NPRM Comment Period End	09/29/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The alternative to rulemaking would be to allow the status quo to continue. These minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3745

RIN: 3150–AD03

4231. INFORMAL HEARING PROCEDURES FOR NUCLEAR REACTOR OPERATOR LICENSING ADJUDICATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend NRC regulations to provide rules of procedure for informal adjudicatory hearings in nuclear power reactor operator licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC, in any proceeding for the granting, suspending, revoking, or amending of an NRC license, including licensing as an operator or senior operator at a nuclear power plant, afford an interested person, upon request, a "hearing." This proposed rule would amend an existing rule which provides for informal hearing procedures for materials licensing proceedings to include reactor operator licensing proceedings as well.

Timetable:

Action	Date	FR Cite
NPRM	04/26/89	54 FR 17961
NPRM Comment Period End	06/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jim Fitzgerald, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1607**

RIN: 3150–AD17

4232. EXPORT OF HEAVY WATER TO CANADA

Legal Authority: 42 USC 3201; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations concerning the import and export of nuclear equipment and material in 10 CFR Part 110. Current regulations require that license applications for the export of 1000 kilograms or more of heavy water to any country require review by the Commission. The Commission has reviewed its processing of nuclear export license applications and has determined that license applications for the export of any quantity of heavy water to Canada do not raise issues that require Commission review. Therefore, the Commission has delegated additional authority to the NRC staff to act upon such export license applications without prior consultation with the Commission. There is no acceptable alternative to rulemaking because an amendment to the regulations is necessary to identify the classes of export license application which require Commission review. The rule should benefit the NRC, the industry, and the public by expediting the review process for these kinds of applications.

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of Governmental and Public Affairs, Washington, DC 20555, **301 492-0341**

RIN: 3150–AD20

4233. REVISION OF FEE SCHEDULES: RADIOISOTOPE LICENSES

Legal Authority: 31 USC 9701; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing licensing and inspection fees for radioisotope licenses (small programs licensed under the provisions of 10 CFR Parts 30, 40, and 70). The revised schedule of fees that would more completely recover the costs incurred by the Commission in providing services to identifiable recipients. The proposed rule would establish a ceiling of $50,000 for Topical Reports, update the schedule of fees for small byproduct material applications for decommissioning, change the cost per professional staff hour for NRC services based on the FY 1990 budget, delete certain exemption provisions and clarify others for ease of administration, add a new exemption to provide that Indian tribes and Indian organizations will be exempt from the payment of fees, and request that bills in excess of $5,000 be paid by electronic fund transfer in accordance with U.S. Department of the Treasury cash management initiatives.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	54 FR 49763
NPRM Comment Period End	01/30/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lee Hiller, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, **301 492-7351**

RIN: 3150–AD23

4234. ● ASNT CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 034

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations on licenses for radiography and radiation safety requirements for radiographic operations to permit applicants for a license to indicate that all of their active radiographers are certified in radiation safety by the American Society for Nondestructive Testing (ASNT).

Current NRC sealed source radiography licensing requirements specify that an applicant will have an adequate program for training radiographers and will submit a schedule or description of the program including initial training, periodic retraining, on-the-job training, and the means to be used by the licensee to determine the radiographer's knowledge and understanding of, and ability to comply with, Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant. The NRC is proposing to permit applicants to affirm, in lieu of submitting descriptions of their initial radiation safety training and radiographer qualification program, that all individuals acting as radiographers are or will be certified in radiation safety (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/89	54 FR 47089
NPRM Comment Period End	02/17/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: through the Industrial Radiography Radiation Safety Program of the ASNT. Contingent upon an analysis of costs and benefits and demonstrated success of the ASNT certification program, the NRC is planning to initiate a subsequent rulemaking which would require third-party certification of all radiographers.

The ASNT program will offer certification for both isotope and x-ray users. Certification would be valid for 5 years, with retesting required for renewal. The staff expects use of a certification program by licensees will not affect licensee training costs since the ASNT eligibility requirements

include documented training. Some small reduction in cost will be associated with the application process because, if a radiography licensee applicant elects to have his or her staff certified, he or she will not have to submit a detailed description of a planned radiation safety training and testing program. The total cost to the industry would be $6 million over a 5-year certification period, or $1.2 million per year.

Agency Contact: Alan K. Roecklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3740**

RIN: 3150–AD35

4235. ● SUSPENSION OF ACCESS AUTHORIZATION AND/OR EMPLOYMENT CLEARANCE; DELEGATION OF AUTHORITY TO DEPUTY EXECUTIVE DIRECTORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 010

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to permit a Deputy Executive Director to suspend an individual's access authorization and/or employment clearance. The amendment provides greater flexibility in responding to questions concerning the continued eligibility of an individual's access authorization and/or employment clearance.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Royal Voegele, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1562**

RIN: 3150–AD42

4236. ● FREEDOM OF INFORMATION ACT, PRIVACY ACT, PRODUCTION OR DISCLOSURE IN RESPONSE TO SUBPOENA OR DEMANDS OF COURT OR OTHER AUTHORITIES; OFFICE OF THE INSPECTOR GENERAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations to reflect the establishment of the Office of the Inspector General. This amendment will permit the Office of the Inspector General to make independent disclosure determinations on (1) records originating in its office that are responsive to Freedom of Information Act requests, and (2) records located in its office that are responsive to Privacy Act requests. The final rule also exempts personnel in the Office of Inspector General from the requirement which specifies that the General Counsel's approval be obtained before responding to subpoenas or demands or courts or other authorities for the production or disclosure of NRC information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Ann Reed, Nuclear Regulatory Commission, Office of Administration, Washington, Dc 20555, **301 492-4262**

RIN: 3150–AD45

4237. ● DISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 019

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations dealing with discrimination against persons who, on the grounds of sex, are excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity licensed by the NRC. The Commission has decided that Section 401 of the Energy Reorganization Act, which prohibits sex discrimination, applies only to the Commission and does not apply to NRC licensees and/or applicants. Since this decision invalidates 10 CFR 19.32 and 10 CFR 2.111, action is being taken to amend these sections and to incorporate appropriate language to clarify that these sections do not apply to licensee employees.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AD50

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

4238. SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EQUIPMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to establish performance standards for industrial radiography exposure devices. The final rule requires licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures.

Timetable:

Action	Date	FR Cite
Final Action	01/10/90	55 FR 843
Final Action Effective	01/10/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3628

RIN: 3150–AC12

4239. SEQUESTRATION OF WITNESSES INTERVIEWED UNDER SUBPOENA/DISQUALIFICATION OF ATTORNEYS

Legal Authority: 41 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 019

Legal Deadline: None

Abstract: The final rule provides for the sequestration of all persons compelled to appear before NRC representatives under subpoena during the conduct of investigative interviews. The final rule also gives the agency official conducting the investigation (after consultation with the Office of the General Counsel) the authority to exclude an attorney who represents multiple interests from the investigatory interviews of other witness clients or from the investigatory proceedings entirely whenever the agency official has a reasonable basis to believe that such representation might prejudice, impair or impede the integrity of the investigation. The final rule requires the official to document the basis for counsel's exclusion and to provide excluded counsel a written statement of the reasons for the exclusion. The final rule also provides disqualified counsel a right to Commission review of the disqualification decision. The final rule is intended to clarify and delineate the rights and responsibilities of the agency, interviewees, licensees, and attorneys during the conduct of agency investigations. (cont)

Timetable:

Action	Date	FR Cite
Final Action	01/04/90	55 FR 243
Final Action Effective	02/05/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: The final rule is also intended to promote candor in the investigative process and to facilitate an expeditious resolution of agency investigations.

Agency Contact: Carolyn F. Evans, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1632

RIN: 3150–AD06

4240. PALLADIUM-103 FOR THE INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations governing the medical use of byproduct material. The final rule adds Palladium-103 as a sealed source in seeds to the list of sources permitted in 10 CFR Part 35 for use in cancer treatment. The final rule, developed in response to a petition for rulemaking (PRM-35-7), allows the use of Palladium-103 seeds by each potential user (about 700 licensees) with either a simplified amendment or no amendment, depending upon the individual license.

Timetable:

Action	Date	FR Cite
Final Action	10/12/89	54 FR 41819
Final Action Effective	10/12/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150–AD11

4241. STATEMENT OF ORGANIZATION AND GENERAL INFORMATION; MINOR AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000; 10 CFR 001; 10 CFR 002; 10 CFR 009; 10 CFR 010; 10 CFR 015; 10 CFR 025; 10 CFR 051; 10 CFR 095

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations pertaining to its statement of organization and general information to reflect the recent reorganization within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the creation of the Office of the Licensing Support System Administration. This rule informs licensees and the public of organizational changes within the NRC.

Timetable:

Action	Date	FR Cite
Final Action	12/28/89	54 FR 53312
Final Action Effective	12/28/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150–AD18

4242. STABILIZATION AND DECONTAMINATION PRIORITY, TRUSTEESHIP PROVISIONS, AND AMOUNT OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations on property insurance as they apply to commercial power reactor licensees. The final rule, which is in response to three petitions for rulemaking (PRM-50-51, PRM-50-51A, PRM-50-51B), (1) clarifies the scope and timing of the stabilization and decontamination processes after an accident at a covered reactor; (2) specifies that the insurance is required to ensure that commercial power reactor licensees will have sufficient funds to carry out their obligations to clean up and decontaminate after an accident; (3) eliminates the requirement that insurance proceeds after an accident are paid to an independent trustee; and (4) solicits comments on appropriate level of required insurance in view of inflation of decontamination and clean up costs.

Timetable:

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46624
NPRM Comment Period End	01/05/90	
Final Action	04/02/90	55 FR 12163
Final Action Effective	04/02/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1960**

RIN: 3150–AD19

4243. PRESERVING THE FREE FLOW OF INFORMATION TO THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 070; 10 CFR 072; 10 CFR 150

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations requiring licensees and license applicants to ensure that neither they, nor their contractors or subcontractors, impose conditions in settlement agreements under Section 210 of the Energy Reorganization Act, or in other agreements on the terms, conditions, and privileges of employment, that would prohibit, restrict, or otherwise discourage an employee from providing the Commission with information on potential safety violations. The final rule requires licensees and license applicants to establish procedures to ensure that their contractors and subcontractors have been informed of the prohibition, that licensees and license applicants are notified of any complaints filed with the Department of Labor pursuant to Section 210 of the Energy Reorganization Act by an employee of a contractor or subcontractor, and to require review by the licensee of any settlement agreements related to employee complaints of such determination by a contractor or subcontractor.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30049
NPRM Comment Period End	09/18/89	
Final Action	03/21/90	55 FR 10397
Final Action Effective	04/20/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Stuart Treby, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1636**

RIN: 3150–AD21

4244. CREDIT CHECKS—EXPANDED PERSONNEL SECURITY INVESTIGATIVE COVERAGE

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841; 42 USC 2273

CFR Citation: 10 CFR 011; 10 CFR 025; 10 CFR 095

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require the expansion of the present investigative scope for licensee "R" Special Nuclear Material Access Authorization and "L" security clearance applicants by adding a credit check and revises the corresponding fee schedule to recover the additional cost of each credit check.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38863
NPRM Comment Period End	11/21/89	
Final Action	03/29/90	55 FR 11572
Final Action Effective	04/30/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Duane Kidd, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4127**

RIN: 3150–AD28

4245. ● CHANGE IN COMMERCIAL TELEPHONE NUMBER FOR REGION III OFFICE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 021; 10 CFR 073

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to indicate a change in the commercial telephone number for the NRC's Region III office located in Glen Ellyn, Illinois. These amendments are necessary to inform the public of administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/21/89	54 FR 52342
Final Action Effective	12/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150–AD37

4246. ● CENTRALIZATION OF MATERIAL CONTROL AND ACCOUNTING RESPONSIBILITIES FOR NONREACTOR FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 074

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to reflect the second part of the phased centralization in NRC headquarters of Region II's material control and accounting (MC&A) inspection program and 10 CFR 70.32(c) licensing reviews for nonreactor facilities. The first part of the centralization transferred the MC&A programs of Region I, III, and V to headquarters and was effective on February 15, 1989. Region IV had no affected facilities.

Timetable:

Action	Date	FR Cite
Final Action	02/21/90	55 FR 5978
Final Action Effective	02/21/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Stanley L. Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AD47

4247. ● FINGERPRINT CARDS; INCREASE IN FEE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

NRC

Completed Actions

Abstract: The final rule amends the Commission's regulations to reflect an administrative change pertaining to an increase in the fee that is charged for processing fingerprint cards which are associated with granting unescorted access to an operating reactor site, or access to Safeguards Information. This amendment is necessary to reflect a fee schedule change imposed by the FBI.

Timetable:

Action	Date	FR Cite
Final Action	01/30/90	55 FR 3040
Final Action Effective	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. B. Manili, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-0940

RIN: 3150–AD52

[FR Doc. 90-5971 Filed 04-20-90; 8:45 am]

BILLING CODE 7590-01-T

Federal Register

Monday
April 23, 1990

Part LIX

Oversight Board

Semiannual Regulatory Agenda

OVERSIGHT BOARD (OB)

OVERSIGHT BOARD

12 CFR Part 1500

Unified Regulatory Agenda

AGENCY: Oversight Board.

ACTION: Publication of agenda items.

SUMMARY: The Oversight Board is hereby publishing items for the April 1990 Unified Agenda of Federal Regulations. The agenda items reflect the status of the Oversight Board's regulatory projects as of the date of this notice.

ADDRESS: Oversight Board, Office of General Counsel, 1825 Connecticut Avenue NW., Washington, DC 20232.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

SUPPLEMENTARY INFORMATION: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. 101-73, 103 Stat. 183, signed into law on August 9, 1989, established the Oversight Board and the Resolution Trust Corporation (RTC). The RTC was created as the operational entity to manage and resolve all cases involving depository institutions that were insured by the Federal Savings and Loan Insurance Corporation (FSLIC) before the enactment of "FIRREA" and for which a conservator or receiver is appointed between January 1, 1989, and August 9, 1992. The RTC is also responsible for reviewing and, if appropriate, revising the case resolutions completed by FSLIC during 1988 and 1989 and for dissolving the Federal Asset Disposition Association. The Oversight Board oversees the RTC's operations; and to this end, Congress vested it with the authority to make policy, review performance, and approve financing.

As a consequence, the Oversight Board has begun to propose and adopt a number of regulations, either as required by "FIRREA" or as deemed necessary by the Oversight Board. Although not required to do so, the Oversight Board is pleased to participate in the Unified Regulatory Agenda in order to further the objectives of managing the Government's regulatory program as detailed in OMB Bulletin 90-03.

Dated: February 22, 1990.
Oversight Board for Resolution Trust Corporation.
William Taylor,
Acting President and Chief Executive Officer.

OVERSIGHT BOARD (OB) — Proposed Rule Stage

4248. ● PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 12 USC 1441a; 5 USC 552

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: "FIRREA" provides that the Oversight Board shall be considered to be an agency for that portion of title 5 of the United States Code that contains the Freedom of Information Act. That Act requires agencies to promulgate implementing regulations. The cost of this action is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Markison, Attorney, Oversight Board, 1825 Connecticut Ave., NW., Washington, DC 20232, **202 376-0019**

RIN: 3203–AA00

4249. ● WOMEN AND MINORITY OUTREACH PROGRAM

Legal Authority: 12 USC 1833e

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: "FIRREA" Requires the Oversight Board to "prescribe regulations to establish and oversee a minority outreach program... to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women..." in all contracts entered into by the Oversight Board. The cost of this action is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kenneth Markison, Attorney, Oversight Board, 1825 Connecticut Ave., NW., Washington, DC 20232, **202 376-0019**

RIN: 3203–AA01

4250. ● EQUAL EMPLOYMENT OPPORTUNITY

Legal Authority: 12 USC 1833e

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: "FIRREA" directs that the Oversight Board is subject to EO 11478 providing for equal employment opportunity in the Federal Government. These rules will implement this program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth Markison, Attorney, Oversight Board, 1825 Connecticut Ave., NW., Washington, DC 20232, **202 376-0019**

RIN: 3203–AA02

OVERSIGHT BOARD (OB)

Completed Actions

4251. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1441a

CFR Citation: 12 CFR 1505

Legal Deadline: Final, Statutory, February 5, 1990.

Abstract: "FIRREA" requires, within 180 days after enactment, the promulgation of standards of responsibility and ethical conduct to which all employees of the Oversight Board must adhere. The cost of this action is negligible while the benefit is to attempt to ensure ethical and proper conduct on the part of all employees.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	55 FR 820
Final Action Effective	02/05/90	55 FR 5358
NPRM Comment Period End	02/08/90	
Final Action	02/14/90	55 FR 5358

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Attorney, Oversight Board, 1825 Connecticut Ave., NW., Washington, DC 20232, **202 376-0019**

RIN: 3203–AA03

4252. ● QUALIFICATION OF, ETHICAL STANDARDS OF CONDUCT FOR, AND RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION BY INDEPENDENT CONTRACTORS

Legal Authority: 12 USC 1441a

CFR Citation: 12 CFR 1506

Legal Deadline: Final, Statutory, February 5, 1990.

Abstract: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989, "FIRREA," directed that, no later than 180 days after its enactment, the Oversight Board and the Resolution Trust Corporation (RTC), promulgate rules applicable to independent contractors governing conflicts of interest, ethical responsibilities, and the use of confidential information. Working jointly, the Oversight Board and the RTC, on November 28, 1989, published in the Federal Register a joint notice of proposed rulemaking which provided for public comment.

Fifty-six comments were received during the comment period and, as a result, the final regulations were significantly modified to reflect a number of the concerns expressed. The final rule was effective on February 5, 1990, and it has been determined not to be a "major rule" for the purposes of EO 12291.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	54 FR 49038
NPRM Comment Period End	01/12/90	
Final Action Effective	02/05/90	55 FR 5346
Final Action	02/14/90	55 FR 5346

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Hayes, Attorney, Oversight Board, 1825 Connecticut Ave., NW., Washington, DC 20232, **202 376-0019**

RIN: 3203–AA04

[FR Doc. 90-5972 Filed 04-20-90; 8:45 am]

BILLING CODE 2222-01-T

Federal Register

Monday
April 23, 1990

Part LX

Resolution Trust Corporation

Semiannual Regulatory Agenda

RESOLUTION TRUST CORPORATION (RTC)

RESOLUTION TRUST CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Resolution Trust Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Resolution Trust Corporation (RTC) is hereby publishing items for the April 1990 regulatory agenda. The agenda contains information about the RTC's current and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all staff identified in the agenda is Resolution Trust Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The RTC was created on August 9, 1989, as an instrumentality of the United States by title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Under FIRREA, the RTC was given the power to adopt such rules, regulations, standards, policies, procedures, guidelines, and statements as the Corporation considers necessary or appropriate to carry out its mission. Twice each year, the RTC will publish an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

Interested persons may petition the RTC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Resolution Trust Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: March 2, 1990.
Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

RESOLUTION TRUST CORPORATION (RTC) — Proposed Rule Stage

4253. ● REAL ESTATE APPRAISAL STANDARDS

Significance: Agency Priority

Legal Authority: PL 101-73, Sec 1110

CFR Citation: 12 CFR 1608

Legal Deadline: NPRM, Statutory, February 9, 1990. Final, Statutory, August 9, 1990.

Abstract: The proposed rule would implement the mandate of section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") that requires each Federal financial institutions regulatory agency and the Resolution Trust Corporation to prescribe appropriate standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of each such agency or instrumentality. These standards must be in conformance with the provisions of title XI (Real Estate Appraisal Reform Amendments) of FIRREA.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6283
NPRM Comment Period End	04/23/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David R. Wiley, Review Appraiser, Asset and Real Estate Management Division, Resolution Trust Corporation, Washington, DC 20429, 202 898-8790

RIN: 3205–AA02

RESOLUTION TRUST CORPORATION (RTC) — Completed Actions

4254. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Significance: Agency Priority

Legal Authority: 12 USC 1421; PL 101-73, Sec 501; EO 12674

CFR Citation: 12 CFR 1605

Legal Deadline: Final, Statutory, February 5, 1990.

Abstract: The Resolution Trust Corporation ("RTC") adopted regulations which prescribe standards of ethical and other conduct for RTC employees, as required by section 501 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

Timetable:

Action	Date	FR Cite
NPRM	12/22/89	54 FR 52806
NPRM Comment Period End	01/23/90	
Final Action Effective	02/05/90	
Final Action	02/14/90	55 FR 5370

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine A. Corigliano, Assistant Executive Secretary (Ethics), FDIC, Resolution Trust Corporation, Washington, DC 20429, 202 898-7272

RIN: 3205–AA00

4255. ● QUALIFICATION OF, ETHICAL STANDARDS OF CONDUCT FOR, AND RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION BY INDEPENDENT CONTRACTORS

Significance: Agency Priority

Legal Authority: 12 USC 1421; PL 101-73, Sec 501

CFR Citation: 12 CFR 1606

RTC

Completed Actions

Legal Deadline: Final, Statutory, February 5, 1990.

Abstract: This regulation establishes the minimum qualifications, ethical standards of conduct, and the restrictions on the use of confidential information relating to independent contractors who seek or contract to provide services to the Resolution Trust Corporation ("RTC") in connection with its management and resolution of failing and failed thrift institutions. The RTC is required by section 501 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") to promulgate regulations applicable to independent contractors governing conflicts of interest, ethical responsibilities, and the use of confidential information.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	54 FR 49038
NPRM Comment Period End	01/12/90	
Final Action Effective	02/05/90	
Final Action	02/14/90	55 FR 5346

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Katherine A. Corigliano, Assistant Executive Secretary (Ethics), FDIC, Resolution Trust Corporation, Washington, DC 20429, **202 898-7272**

RIN: 3205–AA01

[FR Doc. 90-6998 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part LXI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6860, 34-27870, 35-25068, 39-2238, IC-17407, IA-1225; File No. S7-6-90]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions pursuant to chapter 6 of the Administrative Procedure Act and Office of Management and Budget Bulletin 90-03. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission invites questions and public comment on individual agenda entries.

DATE: Public comments are due by June 30, 1990.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-6-90 and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Office of Economic Analysis, Securities and Exchange Commission, 450 5th Street NW., Room 9200, Stop 9-1, Washington, DC 20549 (202-272-7100). The names of persons to contact concerning particular rules are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each Federal agency, during April and October of each year, to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt that are likely to have a significant economic impact on a substantial number of small entities.[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981, within 10 years of that date and for the review of all rules adopted thereafter within 10 years of their adoption as final rules. The RFA further requires publication, each year, of a list of those rules which are to be reviewed during the succeeding 12 months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was published.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis.

The Commission's entries to the April 1990 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries as well as items carried over from the October 1989 publication. New entries are marked with a bullet next to the Sequence Number. Priority items are identified under the heading "Significance."

Copies of the Commission's regulatory agenda are available from the Commission's Office of Public Affairs (Room 1015). The Commission's regulatory agenda is also available for inspection and copying in the Public Reference Room (Room 1026). Please refer to File S7-6-90 as noted above.

The Commission invites public comment on the individual entries in its regulatory agenda.

By the Commission.

Dated: April 3, 1990.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4256	Leveraged Buyouts and Debtholders	3235-AD69
4257	Comprehensive Study of the Investment Company Act of 1940	3235-AD89

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6323 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Unified Agenda of Federal Regulations, October 1989 (October 30, 1989) [54 FR 45646].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA, which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4258	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties	3235-AB45
4259	17 CFR 210 Request for timely review of quarterly financial information	3235-AD31
4260	17 CFR 230 Rulemaking for Operational EDGAR System	3235-AC48
4261	17 CFR 230.153 Rule 153 Definition of Preceded by a Prospectus as Used in Section 5(b)(2) in Relation to Certain Transactions	3235-AC61
4262	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
4263	17 CFR 230.134 Communications not Deemed a Prospectus	3235-AD22
4264	17 CFR 240.14a-7 Shareholder Lists	3235-AD41
4265	17 CFR 230.112(New) Lock-Box Rules	3235-AD43
4266	17 CFR 230.801(New) Rule 801	3235-AD44
4267	17 CFR 229.703(New) Disclosure of the Bases for a Board of Directors' Evaluation of an Extraordinary Corporate Transaction	3235-AD53
4268	17 CFR 230.169(New) Rule 169 - Disclosure Requirements for Certain Offerings Relating to Probable Acquisitions	3235-AD54
4269	17 CFR 230.415 Shelf Offerings Pursuant to Rule 415 Under the Securities Act of 1933	3235-AD67
4270	17 CFR 230 Sales Literature and the Securities Act of 1933	3235-AD68
4271	17 CFR 210.3-20 Reporting Currency in Financial Statements under Rule 3-20 of Regulation S-X	3235-AD70
4272	17 CFR 249.220f Foreign Issuer Reporting on Form 20-F Under the Securities Exchange Act of 1934	3235-AD71
4273	17 CFR 240.12g3-2 Foreign Issuer Reporting Under Rule 12g3-2(b) of the Securities Exchange Act of 1934	3235-AD72
4274	17 CFR 230.251 Regulation A	3235-AD88
4275	17 CFR 240.12a-7 Exemption of stock contained in Standardized Market Baskets from Section 12(a) of the Securities Exchange Act of 1934	3235-AD84
4276	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
4277	17 CFR 270.6c-11(New) Proposed Rule 6c-11 Under the Investment Company Act of 1940	3235-AC03
4278	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
4279	17 CFR 274.11A N-1A Technical Amendments	3235-AC25
4280	Advertising by Unit Investment Trusts	3235-AC70
4281	17 CFR 270.6c-12 (New) Proposed Rule 6c-12 Under the Investment Company Act of 1940	3235-AC84
4282	17 CFR 275 Revisions to the Registration and the Annual Supplement Forms Used by Investment Advisers	3235-AD21
4283	17 CFR 270.17f-6 Custody of Investment Company Assets with Registered Futures Commission Merchants	3235-AD34
4284	17 CFR 275.203(b)(1)-1 Exemption from Registration Under the Advisers Act for certain Smaller Investment Advisers	3235-AD38
4285	17 CFR 270.24f-1 Registration under the Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AD64
4286	17 CFR 270.31a-2 Amendments to Rule 31a-2 under the Investment Company Act of 1940	3235-AD66

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4287	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
4288	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
4289	17 CFR 229 Report of Management's Responsibilities	3235-AD29
4290	17 CFR 210 Technical Amendments to Regulation S-X	3235-AD32
4291	17 CFR 240.13e-2(New) Acquisitions of Substantial Amounts of Securities and Related Activities During and Following a Tender Offer for those Securities	3235-AA50
4292	17 CFR 229.405 (New) Reports of Directors, Officers and Principal Stockholders	3235-AB14
4293	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
4294	17 CFR 210 Multijurisdictional Disclosure	3235-AC64
4295	17 CFR 230.144A(New) Resale of Restricted Securities; Changes to Method of Determining Holding Period of Restricted Securities	3235-AC65
4296	17 CFR 230.433(New) Prospectus Delivery Requirements in Firm Commitment Underwritten Offerings of Securities Made for Cash (Rule 433)	3235-AC80
4297	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
4298	17 CFR 230.901 to 230.906 (New) Regulation S - Rules Governing Offers and Sales Made Outside the United States Without Registration Under the Securities Act of 1933	3235-AD23
4299	17 CFR 230.465(New) Automatically Effective Post-Effective Amendments for Acquisitions by Certain Limited Partnerships	3235-AD24
4300	17 CFR 240.13d-101 Disclosure of Significant Equity Participants in Control Transactions	3235-AD42
4301	17 CFR 240.15c2-11 Initiation or Resumption of Quotations Without Specified Information	3235-AA48

SEC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4302	17 CFR 15c2-10 Rule 15c2-10	3235-AC94
4303	17 CFR 240.15c3-3 Customer Protection Reserves and Custody of Securities	3235-AD60
4304	17 CFR 240.15c3-1 Net Capital Requirements for Broker or Dealers	3235-AD62
4305	17 CFR 240.15c3-1 Net Capital Requirements for Brokers or Dealers	3235-AD79
4306	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
4307	17 CFR 239.14 Amendments to Form N-2	3235-AB40
4308	17 CFR 270.24f-3 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
4309	17 CFR 270.12d3-1 Proposed Amendments to Rule 12d3-1 under the Investment Company Act of 1940	3235-AD19
4310	17 CFR 250.17 Diversification by Exempt Holding Companies	3235-AD39
4311	17 CFR 274.11a Disclosure and Analysis of Mutual Funds Performance Information; Portfolio Manager Disclosure	3235-AD81

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4312	17 CFR 240.15Ba2-1 Rules 15Ba2-1 and 15Ba2-2 Under the Securities Exchange Act of 1934	3235-AD85
4313	17 CFR 240.15Bc7-1 Rule 15Bc7-1 Under the Securities Exchange Act of 1934	3235-AD86
4314	17 CFR 240.15Ba2-4 Rules 15Ba2-4, 15Ba2-5, 15Ba2-6 and 15Bc3-1 Under the Securities Exchange Act of 1934	3235-AD87
4315	17 CFR 270.3a-4 Proposed Rule 3a-4—Individualized Investment Management Services	3235-AA12
4316	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
4317	Mutual Fund Governance	3235-AA44
4318	17 CFR 270.17j-1 Rule 17j-1 Under the Investment Company Act of 1940	3235-AA68
4319	17 CFR 275.206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with Respect to Certain Transactions	3235-AB74
4320	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
4321	17 CFR 270.12b-1 Proposed Amendments to Rules 12b-1 and 17d-3 Under the Investment Company Act of 1940, and to Item 7 of Form N-1A Under the Securities Act of 1933	3235-AC11
4322	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
4323	17 CFR 270.12d3-2 Proposed Rule 12d3-2 Under the Investment Company Act	3235-AC36
4324	17 CFR 270.17f-5 Rule 17f-5 Under the Investment Company Act of 1940	3235-AC85
4325	17 CFR 270.6c-10 Proposed Rule 6c-10 Under the Investment Company Act of 1940 and Amendment to Item 2 of Form N-1A Under the Securities Act of 1933	3235-AD18
4326	17 CFR 230.139a Information That Broker-Dealers May Disseminate About Investment Companies	3235-AD20
4327	17 CFR 270.36a-1 Proposed Rule 36a-1 Under the Investment Company Act of 1940	3235-AD33
4328	17 CFR 230.485 Revisions to Rules 485 and 486	3235-AD55
4329	17 CFR 274.11A Revisions to Annual Report to Shareholders	3235-AD56
4330	17 CFR 270.12d1-1 Exemption from the Limitation Imposed by Section 12(d)(1)(A) of the Investment Company Act of 1940	3235-AD65
4331	17 CFR 270.11c-1 Proposed Rule 11c-1 Under the Investment Company Act of 1940	3235-AD82
4332	17 CFR 270.2a19-2 Proposed Rules 2a19-2 and 2a3-1 Under the Investment Company Act of 1940	3235-AD83

SECURITIES AND EXCHANGE COMMISSION (SEC) — Prerule Stage

Disclosure Rules

4256. LEVERAGED BUYOUTS AND DEBTHOLDERS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 77aa(12); 15 USC 781; 15 USC 78o(d); 15 USC 78w

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission issue proposals based upon its consideration of the effect of leveraged buyouts on debtholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

SEC — Prerule Stage

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD69

Investment Management Rules

4257. ● COMPREHENSIVE STUDY OF THE INVESTMENT COMPANY ACT OF 1940

Significance: Agency Priority

Legal Authority: 15 USC 80a-6(c); 15 USC 77s(a); 15 USC 80b-11(a); 15 USC 80a-37; 15 USC 78w

CFR Citation: None

Legal Deadline: None

Abstract: The Division of Investment Management, together with the Divisions of Corporation Finance and Market Regulation, is undertaking a year-long comprehensive study of the Investment Company Act of 1940 in an effort to modernize the existing regulatory structure governing investment companies. The study will consider a broad range of issues including: possible alternative regulatory structures for certain investment vehicles; corporate governance; distribution; securitization of assets; internationalization of the securities markets; issues arising under the Securities Act of 1933; issues related to tax law; issues related to the entry of banks into the investment company business; insurance products; and other matters. Proposed amendments to Rules 12b-1 and 17d-3 and proposed rule 6c-10, all under the Investment Company Act of 1940, and Mutual Fund Governance, were formerly separate items on the agenda that have been merged with this item.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew A. Chambers, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 10-4), Washington, DC 20549, 202 452-2048

RIN: 3235–AD89

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

4258. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulation S-X requiring disclosure by bank holding companies about loans to related parties. The staff will consider whether the accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Greg W. Norwood, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AB45

4259. REQUEST FOR TIMELY REVIEW OF QUARTERLY FINANCIAL INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29; ...

CFR Citation: 17 CFR 210; 17 CFR 229

Legal Deadline: None

Abstract: The Commission has issued a concept release soliciting comments on whether the Commission's rules should be amended to require independent public accountants to review interim financial information before it is filed with the Commission.

Timetable:

Action	Date	FR Cite
ANPRM	06/20/89	54 FR 27023
ANPRM Comment Period End	09/25/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth V. Moreland, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AD31

Disclosure Rules

4260. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 260; 17 CFR 270

Legal Deadline: None

Abstract: The Commission has issued a concept release requesting public comment on rule changes necessary to accommodate electronic filing in the operational EDGAR system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing. The staff intends to

recommend that the Commission propose specific rules in this area.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William H. Carter, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AC48

4261. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230.153

Legal Deadline: None

Abstract: The prospectus delivery requirement for certain transactions effected on a national securities exchange may be satisfied by delivery to the exchange. The staff will consider whether to recommend to the Commission that this procedure should be available for certain transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AC61

4262. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Significance: Agency Priority

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose other appropriate criteria to establish the threshold level for companies to enter into the Securities Exchange Act of 1934 reporting system, that would supplement or replace the present size criteria of at least 500 shareholders and total assets of $5 million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AC66

4263. COMMUNICATIONS NOT DEEMED A PROSPECTUS

Legal Authority: 15 USC 77b; 15 USC 77s

CFR Citation: 17 CFR 230.134

Legal Deadline: None

Abstract: The staff will consider whether to recommend that the Commission propose amendments to Rule 134 of the Commission's rules and regulations under the Securities Act of 1933 that would permit direct participation programs such as limited partnerships to include additional information in their Rule 134 tombstone advertisements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William E. Morley, Associate Director, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2573

RIN: 3235–AD22

4264. SHAREHOLDER LISTS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-7; 17 CFR 240.14d-5

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to the proxy and tender offer rules to give a security holder the right, under specified circumstances, to obtain a list of the names, addresses and holdings of certain of the registrant's shareholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD41

4265. LOCK-BOX RULES

Legal Authority: 15 USC 77s(a); 15 USC 78w(a); 15 USC 77f

CFR Citation: 17 CFR 230.112(New); 17 CFR 240.0-12(New); 17 CFR 230.456; 17 CFR 201

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose procedures

regarding payment of fees to the lock-boxes designated at 17 CFR 202.3a.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne M. Krauskopf, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2573

RIN: 3235–AD43

4266. RULE 801

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 230.801(New)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose rules that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings to the existing security holders of non-reporting issuers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AD44

4267. DISCLOSURE OF THE BASES FOR A BOARD OF DIRECTORS' EVALUATION OF AN EXTRAORDINARY CORPORATE TRANSACTION

Legal Authority: 15 USC 78m; 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 229.703(New); 17 CFR 240.13e-100; 17 CFR 240.13e-101; 17 CFR 240.14a-101; 17 CFR 240.14d-1 to 240.14f-1

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose rules that would promote shareholder analysis of extraordinary corporate transactions recommended or approved by the board of directors of the subject company. Amendments would be proposed to Rule 13e-3 and Schedule 13E-3 to apply those provisions to transactions where it is anticipated that management will have a significant interest in the transaction, such as an equity interest in the surviving entity. The proposals also would adopt enhanced disclosure requirements, similar to those of Rule 13e-3 for a broader class of extraordinary transactions. The objective of the proposals would be to provide investors with more information concerning the transaction (including the values inherent in the transaction) and the evaluation processes of the board of directors. In connection with this rulemaking project, a review of Rules 13e-3 and 14d-1 through 14f-1 and Schedule 13E-3 for Regulatory Flexibility Act purposes will be conducted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD53

4268. RULE 169 - DISCLOSURE REQUIREMENTS FOR CERTAIN OFFERINGS RELATING TO PROBABLE ACQUISITIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77s(a)

CFR Citation: 17 CFR 230.169(New)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose rules that would require certain issuers offering registered securities through outstanding warrants, rights or convertible securities, or through a secondary offering to file post-effective amendments when an acquisition becomes probable in order to furnish information, including audited financial statements about the company to be acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AD54

4269. SHELF OFFERINGS PURSUANT TO RULE 415 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.415

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to Rule 415 based upon its reexamination of the use of the rule under the Securities Act of 1933 in the context of novel and unique securities offerings and other current market transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Abigail Arms, Deputy Chief Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD67

4270. SALES LITERATURE AND THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 230

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose rules that would address the use of sales literature in connection with securities offerings registered pursuant to the Securities Act of 1933.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD68

4271. REPORTING CURRENCY IN FINANCIAL STATEMENTS UNDER RULE 3-20 OF REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77aa(25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8; 15 USC 80a-29; ...

CFR Citation: 17 CFR 210.3-20

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose revisions to Rule 3-20 of Regulation S-X that would clarify provisions allowing a foreign private issuer to state its financial statements in a currency other than that of the country in which it is incorporated or organized. In lieu of that rule's present reference to the issuer's primary economic environment, the revised rule would identify characteristics of the issuer that would guide the selection of a reporting currency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2553

RIN: 3235–AD70

4272. FOREIGN ISSUER REPORTING ON FORM 20-F UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 77s; 15 USC 78w

CFR Citation: 17 CFR 249.220f

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose revisions to Form 20-F to permit its use by Canadian issuers in all circumstances.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AD71

4273. FOREIGN ISSUER REPORTING UNDER RULE 12G3-2(B) OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78l; 15 USC 78w

CFR Citation: 17 CFR 240.12g3-2; 17 CFR 249

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose revisions to clarify the requirements of Rule 12g3-2(b) and provide forms for use by persons furnishing information under that Rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AD72

4274. ● REGULATION A

Legal Authority: 15 USC 77c(6)

CFR Citation: 17 CFR 230.251; 17 CFR 230.252; 17 CFR 230.253; 17 CFR 230.254; 17 CFR 230.255; 17 CFR 230.256; 17 CFR 230.257; 17 CFR 230.258; 17 CFR 230.259; 17 CFR 230.260; 17 CFR 230.261; 17 CFR 230.262; 17 CFR 230.263; 17 CFR 230.264

Legal Deadline: None

Abstract: Regulation A provides a general exemption from registration requirements of the Securities Act. The staff is reviewing Regulation A for purposes of possible modernization. Upon completion of this review, the staff will consider whether to recommend that the Commission propose amendments to this Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2644

RIN: 3235–AD88

SEC

Proposed Rule Stage

Securities Markets and Securities Industry Rules

4275. ● EXEMPTION OF STOCK CONTAINED IN STANDARDIZED MARKET BASKETS FROM SECTION 12(A) OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78a et seq; 15 USC 78c; 15 USC 78f; 15 USC 781; 15 USC 78w

CFR Citation: 17 CFR 240.12a-7

Legal Deadline: None

Abstract: The Commission has proposed Rule 12a-7, which would exempt from registration under Section 12(a) of the Securities Exchange Act of 1934 securities that are traded as part of a market basket transaction, provided that each component security otherwise is a national market system security, is listed and registered on another national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System and is part of a standardized market basket containing a least 100 securities. The proposed rule, if adopted, would reduce costs to national securities exchanges because without the exemption such exchanges would either have to apply for unlisted trading privileges, or register, under Section 12 of the Act securities that are only traded on their exchange as part of a market basket. In addition, the proposed rule should not have any significant economic impact on small issuers because the trading of stocks solely as part of a market basket should not impact the primary market for the individual securities comprising the market basket.

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11387
NPRM Comment Period End	04/27/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sharon Lawson, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W. (Stop 5-1), Washington, DC 20549, 202 272-2406

RIN: 3235–AD84

Investment Management Rules

4276. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent with respect to any security issued or to be issued by a registered investment company, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to some duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the staff has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of the revisions, if any, that might result from the staff review. However, if revisions were proposed that applied to all registered investment companies soliciting proxies, unless the solicitation is excepted, such revisions could have a significant economic impact on a substantial number of small entities.

Agency Contact: Kenneth J. Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AA69

4277. PROPOSED RULE 6C-11 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-11(New)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose a rule that would exempt, from all provisions of the Investment Company Act, companies that invest primarily in whole- pool or partial-pool agency certificates, and companies that issue debt securities collateralized by mortgages and private mortgage certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2811

RIN: 3235–AC03

4278. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: On March 14, 1986, the Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933. The amendments, if adopted, would permit certain investment companies to use in their statutory and omitting prospectuses a security rating assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO's consent to being named pursuant to Section 7 of the Securities Act. The staff is considering whether to recommend that the Commission repropose such amendments.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 9838

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AC24

4279. N-1A TECHNICAL AMENDMENTS

Legal Authority: 15 USC 80a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The staff is considering several modifications to Form N-1A including: reducing the number of copies to be filed with the Commission; conforming the language of Form N-1A with Forms N-3 and N-4; and clarifying many of the current disclosure requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AC25

4280. ADVERTISING BY UNIT INVESTMENT TRUSTS

Significance: Agency Priority

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Currently, unit investment trusts advertise their performance by means of an "estimated current return," which shows estimated cash flow. However, in a market environment characterized by fluctuating interest rates, estimated current return may not accurately convey the yield of UITs. The staff is undertaking to develop for recommendation to the Commission a rule proposal setting forth a uniform method of computing UIT yields. A uniform method of computation would permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Eli A. Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-3021

RIN: 3235–AC70

4281. PROPOSED RULE 6C-12 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.6c-12 (New)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose a rule that would codify many exemptions from provisions of the Investment Company Act granted to two-tier real estate limited partnerships. Exemptions pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation would reduce the number of exemptive relief applications received by the Office of Investment Company Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AC84

4282. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11; 15 USC 80b-1

CFR Citation: 17 CFR 275; 17 CFR 279

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission revise Form ADV, the investment adviser registration form, in connection with its possible inclusion in the National Association of Securities Dealers' CRD system. This would permit advisers who are members of the NASD to make "one stop filing" of the form and periodic updates with the Commission and states.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AD21

4283. CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose a rule to permit registered investment companies to maintain initial and excess variation margin in the custody of certain futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 10-4), Washington, DC 20549, 202 272-7779

RIN: 3235–AD34

4284. EXEMPTION FROM REGISTRATION UNDER THE ADVISERS ACT FOR CERTAIN SMALLER INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6A

CFR Citation: 17 CFR 275.203(b)(1)-1; 17 CFR 275.203(b)(3)-2

Legal Deadline: None

Abstract: The Commission has proposed rules that would exempt smaller investment advisers from most federal adviser regulation, other than the general antifraud provisions, if the advisers are registered in all states in which they do business. The proposed exemptions should significantly diminish the costs and paperwork associated with dual federal and state regulation of small advisory businesses. The proposed rules would rely on the states to assume responsibility for the detailed regulation that, at the federal level, would no longer be applicable to small advisers exempt under these rules. The proposed rules, which include both an interstate and an intrastate exemption, would determine eligibility for the exemptions by reference to the size of the adviser's business; whether the adviser has custody of client funds or securities; and whether the adviser is registered as an adviser in the state or states in which it does business. The proposed exemptions, together with the amendment of several rules, would eliminate costs of registration and reporting as well as compliance with the brochure rule, the recordkeeping rule, the performance fee rule, the cash (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 36997
NPRM Comment Period End	11/22/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: solicitation rule, the advertising rule, and the Act's regulation of principal and agency cross transactions for advisers exempt under the proposed rules that choose not to register or to deregister with the Commission.

Agency Contact: Kenneth J. Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2107

RIN: 3235–AD38

4285. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-1; 17 CFR 270.24f-2

Legal Deadline: None

Abstract: Rules 24f-1 and 24f-2 under the Investment Company Act of 1940, respectively, permit certain investment companies to register securities sold in excess of the number of shares included in a registration under the Securities Act of 1933. The changes proposed will clarify operation of certain provisions of the rules with respect to time periods provided therein (by changing the measurement of the time periods from months to days) and by clarifying the filing requirements of Rule 24f-2 in the context of investment company reorganizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth J. Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-2097

RIN: 3235–AD64

4286. AMENDMENTS TO RULE 31A-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 31(a); 15 USC 38; 15 USC 40

CFR Citation: 17 CFR 270.31a-2

Legal Deadline: None

Abstract: Rule 31a-2 specifies where and how long books and records, required to be maintained by registered investment companies and other persons, must be preserved. The staff is considering whether to recommend that the Commission propose amendments to the rule removing any uncertainty about recordkeeping requirements for investment companies investing primarily in foreign securities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Rochelle G. Kauffman, Senior Staff Attorney, Securities and Exchange Commission, Division of Investment Management,

SEC

Proposed Rule Stage

450 5th Street, N.W.(Stop 5-2),
Washington, DC 20549, 202 272-2048

RIN: 3235–AD66

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

4287. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission has proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping, but the costs, if any, that may be associated with the additional recordkeeping have not been determined. The Commission's interim reporting rules will be reviewed as a part of this project.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry replaced the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Associate Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AB15

4288. INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to its rules that would require that accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	52 FR 11665
NPRM Comment Period End	09/01/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AC79

4289. REPORT OF MANAGEMENT'S RESPONSIBILITIES

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29; ...

CFR Citation: 17 CFR 229; 17 CFR 240; 17 CFR 249; 17 CFR 270; 17 CFR 274

Legal Deadline: None

Abstract: The Commission has proposed rules to require registrants to include a report of management's responsibilities in Forms 10-K and N-SAR and annual reports to security holders. The management report would contain a description or statement of management's responsibilities for the preparation of the registrant's financial statements and other financial information and for establishing and maintaining a system of internal control directly related to financial reporting, with management's assessment of the effectiveness of the registrant's internal control system.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 28009
NPRM Comment Period End	10/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. Albert, Associate Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AD29

SEC

Final Rule Stage

4290. TECHNICAL AMENDMENTS TO REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79(e)(b); 15 USC 79n; 15 USC 79(t)a; 15 USC 80a-8; 15 USC 80a-29; ...

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to Regulation S-X to conform that regulation to recently adopted changes in generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8202
NPRM Comment Period End	04/28/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. Albert, Associate Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW., Washington, DC 20549, 202 272-2130

RIN: 3235–AD32

Disclosure Rules

4291. ACQUISITIONS OF SUBSTANTIAL AMOUNTS OF SECURITIES AND RELATED ACTIVITIES DURING AND FOLLOWING A TENDER OFFER FOR THOSE SECURITIES

Legal Authority: 15 USC 78c(b); 15 USC 78m(e); 15 USC 78n(d); 15 USC 78w(a); 15 USC 78o(c); 15 USC 78t(b)

CFR Citation: 17 CFR 240.13e-2(New); 17 CFR 240.14d-11(New)

Legal Deadline: None

Abstract: The Commission has proposed Rules 13e-2 and 14d-11 that would require that, subject to certain exceptions, purchases, offers to purchase, arrangements or understandings to purchase and solicitations of offers to sell securities undertaken during and shortly after a tender offer that would increase any person's ownership of the class of securities subject to the tender offer by 10% or more of the class be made in compliance with the statutory provisions and rules applicable to tender offers. The proposed rules would apply to all persons from the formal commencement of a tender offer until 10 business days after the scheduled expiration date. A proposed rule also would subject a bidder to the same requirements from the time it commenced a tender offer by public announcement until it either formally commenced a tender offer by some other means or 30 business days after it made a subsequent public announcement stating that it had determined not to continue with the tender offer.

Timetable:

Action	Date	FR Cite
ANPRM	07/31/86	51 FR 28096
ANPRM Comment Period End	12/01/86	
NPRM	10/01/87	52 FR 37472
NPRM Comment Period End	12/07/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AA50

4292. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Significance: Agency Priority

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 229.405 (New); 17 CFR 240.12h-2; 17 CFR 240.14a-101; 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-4 (New); 17 CFR 240.16e-1; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 249.105 (New); 17 CFR 249.310; 17 CFR 270.30f-1; 17 CFR 274.101

Legal Deadline: None

Abstract: The Commission has published for comment a revised set of proposals that would provide a comprehensive revision of its rules promulgated under Section 16 of the Securities Exchange Act. The reproposed rules would define certain key terms, change trade reporting obligations, change exemptions from Section 16(b) short-swing profit recovery, and promulgate new forms and instructions.

Timetable:

Action	Date	FR Cite
Original NPRM	12/02/88	53 FR 49997
Original NPRM Comment Period End	03/13/89	
NPRM	08/28/89	54 FR 35667
NPRM Comment Period End	11/01/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AB14

4293. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None

Abstract: The Commission has proposed major revisions to the procedures for registering employee benefit plan securities on Form S-8. The proposals are intended to reduce costs to registrants by eliminating the need to prepare and file separate documents for Federal securities law purposes that duplicate information otherwise provided to plan participants, while assuring timely delivery of information necessary for participants to make informed investment decisions. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

SEC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/12/89	54 FR 25936
NPRM Comment Period End	08/15/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Murphy, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AB79

4294. MULTIJURISDICTIONAL DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: The Commission has proposed a multijurisdictional disclosure system that would permit Canadian issuers that, depending on the nature of the offering, meet market value, public float and Canadian reporting history tests to register securities in the United States using disclosure documents prepared according to the requirements of Canadian regulatory authorities. Certain Canadian issuers would also be able to use such documents to meet U.S. periodic disclosure requirements. Companies subject to U.S. proxy requirements could use Canadian documents for certain solicitations. Canadian insider reports could be filed with the Commission. Additionally, tender offers for Canadian companies could be made in accordance with Canadian rules where a limited number of shareholders reside in the United States.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/85	50 FR 9281
ANPRM Comment Period End	07/15/85	
NPRM	07/26/89	54 FR 32226
NPRM Comment Period End	10/31/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AC64

4295. RESALE OF RESTRICTED SECURITIES; CHANGES TO METHOD OF DETERMINING HOLDING PERIOD OF RESTRICTED SECURITIES

Significance: Agency Priority

Legal Authority: 15 USC 77d(1); 15 USC 77d(3); 15 USC 77s(a)

CFR Citation: 17 CFR 230.144A(New); 17 CFR 230.144; 17 CFR 230.145

Legal Deadline: None

Abstract: The Commission has reproposed for public comment Rule 144A, which would provide a safe harbor exemption from the registration requirements of the Securities Act of 1933 for "qualified institutional buyers" as defined in the Rule. The Commission also has reproposed amendments to Rules 144 and 145 under the Securities Act, which would redefine the required holding period for restricted securities, whether acquired pursuant to Rule 144 or otherwise.

Timetable:

Action	Date	FR Cite
Original NPRM	10/25/88	53 FR 44016
Extension of Comment Period	12/02/88	53 FR 50038
NPRM	07/11/89	54 FR 30076
NPRM Comment Period End	09/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AC65

4296. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT UNDERWRITTEN OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b(10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433(New)

Legal Deadline: None

Abstract: The Commission has proposed two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would permit, if all conditions of the rule are satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale is sent to an investor in such an offering.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29206
NPRM Comment Period End	10/05/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AC80

4297. REGULATION 13D-G

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2; 17 CFR 240.13d-7; 17 CFR 240.13d-101; 17 CFR 240.13d-102

Legal Deadline: None

Abstract: The Commission has proposed revisions to Regulation 13D-G to improve the meaningfulness to investors of filings on Schedule 13D, while at the same time reducing the reporting obligations of non-institutional investors that have a passive investment purpose. In connection with this project, a review of Rules 13d-1 through 13d-7 and Schedules 13D and 13G for Regulatory Flexibility Act purposes will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	03/14/89	54 FR 10552
NPRM Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD09

4298. REGULATION S - RULES GOVERNING OFFERS AND SALES MADE OUTSIDE THE UNITED STATES WITHOUT REGISTRATION UNDER THE SECURITIES ACT OF 1933

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77d; 15 USC 77s

CFR Citation: 17 CFR 230.901 to 230.906 (New)

Legal Deadline: None

Abstract: The Commission has published for comment proposed and reproposed Regulation S, which is intended to clarify the extraterritorial application of the registration provisions of the Securities Act of 1933. The Regulation would provide generally that any offer or sale that occurs outside the United States is not subject to Section 5.

Timetable:

Action	Date	FR Cite
Original NPRM	06/10/88	53 FR 22661
Extension of comment period	08/24/88	53 FR 33147
NPRM	07/11/89	54 FR 30063
NPRM Comment Period End	09/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary E.T. Beach, Associate Director, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2585

RIN: 3235–AD23

4299. AUTOMATICALLY EFFECTIVE POST-EFFECTIVE AMENDMENTS FOR ACQUISITIONS BY CERTAIN LIMITED PARTNERSHIPS

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.465(New); 17 CFR 230.424; 17 CFR 229.801(c); 17 CFR 230.406

Legal Deadline: None

Abstract: The Commission has proposed for comment two alternative forms of a new Rule 465 that would provide for the automatic effectiveness of post-effective amendments filed by limited partnerships during the distribution period, provided that such amendments relate to significant acquisitions and contain required financial statements, financial information and textual information.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 26718
NPRM Comment Period End	09/12/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Murphy, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-2589

RIN: 3235–AD24

4300. DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14a-102; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Commission has proposed amendments to Exchange Act Schedules, which are intended to require disclosure of information concerning the identity and background of limited partners and other participants holding significant investments in limited partnerships or other closely held entities or groups of such entities involved with major acquisitions of securities, tender offers, proxy contests and going private transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10360
NPRM Comment Period End	05/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW., Washington, DC 20549, 202 272-3097

RIN: 3235–AD42

Securities Markets and Securities Industry Rules

4301. INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Significance: Agency Priority

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78q(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-11

Legal Deadline: None

Abstract: Rule 15c2-11 governs the submission and publication of quotations by brokers or dealers for certain over-the-counter securities. The rule applies principally to the initiation

or resumption of quotations in the National Daily Quotation Service, which is also known as the "pink sheets." The Commission has proposed amendments to the rule that are intended to clarify and enhance a broker-dealer's obligation to obtain and maintain information before commencing or resuming quotations in the pink sheets. The proposed amendments will further the Commission's efforts to combat fraud and manipulative conduct in the penny stock market.

Timetable:

Action	Date	FR Cite
NPRM	09/15/89	54 FR 39194
NPRM Comment Period End	12/01/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W. (Stop 5-1), Washington, DC 20549, 202 272-2848

RIN: 3235–AA48

4302. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78k(a)-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a); 15 USC 78q; 15 USC 78q-1

CFR Citation: 17 CFR 15c2-10

Legal Deadline: None

Abstract: The Commission has proposed for comment a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	54 FR 15429
NPRM Comment Period End	08/02/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gordon K. Fuller, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., NW., Washington, DC 20549, 202 272-2414

RIN: 3235–AC94

4303. CUSTOMER PROTECTION RESERVES AND CUSTODY OF SECURITIES

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-3

Legal Deadline: None

Abstract: Because the borrowing of government securities plays an important role in the government securities market, the Commission believes that, for purposes of the customer protection rule, the categories of instruments that broker-dealers can provide to customer lenders of government securities should be expanded to include certain instruments currently not listed in the rule. Therefore, the Commission has proposed an amendment to the customer protection rule that would allow broker-dealers to provide, in addition to the instruments currently listed in the rule, certain government securities as the collateral in government securities borrowings.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10680
NPRM Comment Period End	05/01/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Carpenter, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2372

RIN: 3235–AD60

4304. NET CAPITAL REQUIREMENTS FOR BROKER OR DEALERS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the specialist financial responsibility rules and specialist financial surveillance systems of the various exchanges. As a result, the Commission has proposed amendments to the net capital rule that, among other things, will make the rule applicable to certain specialists that are now exempt from the rule. In addition to the consequential overall financial accountability and discipline that results from the application of the net capital rule, the Commission believes it would be desirable to have a uniform measure whereby it may review the financial health and liquidity of all specialists at all exchanges.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 315
NPRM Comment Period End	04/03/89	54 FR 9842

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jerry Carpenter, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-3128

RIN: 3235–AD62

4305. NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the appropriate levels of minimum net capital required of registered broker-dealers. As a result, the Commission has proposed amendments to the net capital rule that, among other things, would raise the minimum net capital required of various classes of registered broker-dealers. The Commission believes that these higher levels of required net capital are justified based upon the risks posed by undercapitalized firms to customers and to the securities system as a whole. In addition, in light of the recent bankruptcy of Drexel Burnham Lambert

Group, Inc., the Division of Market Regulation has begun an examination of possible changes to the financial responsibility rules relating to (1) the appropriate levels of capital (including early warning levels) for large securities firms, (2) notification of capital transfers between a registered broker-dealer and its affiliates, and (3) restrictions on transfers of capital in the event of a financial or operational problem that may adversely affect the capital condition (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	54 FR 23022
NPRM Comment Period End	12/18/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: of broker-dealer.

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W. (Stop 5-1), Washington, DC 20549, 202 272-2372

RIN: 3235–AD79

Investment Management Rules

4306. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Significance: Agency Priority

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission reproposed for public comment Form N-7, a new form for registering unit investment trusts("UITS") and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would (i) codify the disclosure requirements for UITS into one form; (ii) codify the disclosure standards that have been developed for UITS; and (iii) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. The requirement for audited financial statements would be eliminated under certain circumstances. Under the reproposal, the requirement that registrants include certain third party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21282
NPRM Comment Period End	12/31/87	
Final Action	12/31/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Eli Nathans, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235–AA47

4307. AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies that issue periodic payment plan certificates or are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission has proposed a simplified three-part form because current prospectuses have become too cumbersome for the average investor to understand and current requirements result in the disclosure of much information that is not necessarily material to an investment decision.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 32993
NPRM Comment Period End	10/20/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ruth S. Hanlon, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AB40

4308. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-3

Legal Deadline: None

Abstract: On March 9, 1987, the Commission published for public comment a proposed rule 24f-3 under the Investment Company Act of 1940 that would simplify filing requirements under Section 24(f) of the Investment Company Act by allowing a unit investment trust to register an indefinite number of securities solely for secondary market purposes and to pay no registration fee on secondary market sales.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8302
NPRM Comment Period End	05/15/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AC10

SEC

Final Rule Stage

4309. PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-1

Legal Deadline: None

Abstract: The Commission has proposed, and received comments on, amendments to rule 12d3-1 that would facilitate the acquisition by investment companies of the equity securities of foreign securities firms.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 33027
NPRM Comment Period End	10/10/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 10-4), Washington, D. C. 20549, 202 272-7779

RIN: 3235–AD19

4310. DIVERSIFICATION BY EXEMPT HOLDING COMPANIES

Legal Authority: 15 USC 79c(a)(1); 15 USC 79t(a)

CFR Citation: 17 CFR 250.17; 17 CFR 250.2; 17 CFR 259.402

Legal Deadline: None

Abstract: Proposed Rule 17 clarifies under what conditions diversification into non-utility enterprises would not be deemed detrimental to the public interest or the interest of investors or consumers within the meaning of the "unless and except" clause of Section 3(a)(1) of the Public Utility Holding Company Act of 1935. The rule would provide two alternative "safe harbors". A companion proposed amendment to rule 2 under the Act would require that, in order for a claim of exemption under rule 2 to be effective, the claimant must meet one of the safe harbor provisions of rule 17. Also proposed is an amendment to Form U-3A-2, the statement filed annually by holding companies claiming exemptions under rule 2, that would request information necessary to determine whether a rule 2 claim of exemption by an intrastate holding company was meritorious in light of the requirement added to rule 2. These proposals could significantly increase regulatory compliance costs for those intrastate public utility holding companies that have diversified operations, or that intend to do so. The proposals could require such a company to forego acquisition of (con't)

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 6701
NPRM Comment Period End	08/15/89	54 FR 29739

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: an unrelated non-utility interest or to divest such an interest previously acquired; or alternatively, to seek enactment by the legislature in its state of organization of a utility holding company statute that addresses diversification activities.

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW., Washington, DC 20549, 202 272-7683

RIN: 3235–AD39

4311. ● DISCLOSURE AND ANALYSIS OF MUTUAL FUNDS PERFORMANCE INFORMATION; PORTFOLIO MANAGER DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 80a-89(b); 15 USC 80a-37(a); 15 USC 80a-30

CFR Citation: 17 CFR 274.11a; 17 CFR 230.485(b); 17 CFR 270.34b-1; 17 CFR 270.31a-1; 17 CFR 270.31a-2; 17 CFR 239.23

Legal Deadline: None

Abstract: The Commission has proposed amendments to the disclosure requirements for mutual funds, that would include alternative amendments for providing investors information about the investment results achieved by funds. The first proposal would require management to discuss and analyze the mutual fund's performance during its previous fiscal year and the techniques used to achieve that performance in light of the fund's objectives. The second proposal would require a comparison of fund performance over certain time periods to the performance of an appropriate securities index over the same periods. The proposed amendments also would require disclosure about persons who significantly contribute to the investment advice relied on by funds. Finally, the proposed amendments would shorten and simplify the per share table contained in the prospectus.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1460
NPRM Comment Period End	03/12/90	
Final Action	06/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AD81

SECURITIES AND EXCHANGE COMMISSION (SEC)

Completed Actions

4312. ● RULES 15BA2-1 AND 15BA2-2 UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.15Ba2-1; 17 CFR 240.15Ba2-2

Legal Deadline: None

Abstract: These rules implement section 15B(a) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975. Section 15B(a) requires municipal securities dealers that are banks, or separately identifiable departments or divisions of banks, to register with the Commission.

Timetable:

Action	Date	FR Cite
End Review	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Caroline Dixon Bartman, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington,D.C. 20549, 202 272-2878

RIN: 3235–AD85

4313. ● RULE 15BC7-1 UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.15Bc7-1

Legal Deadline: None

Abstract: The rule creates a mechanism for providing the Municipal Securities Rulemaking Board (MSRB) with examination information about municipal securities professionals. Section 15B(c)(7) requires the Securities and Exchange Commission to provide such information, upon request.

Timetable:

Action	Date	FR Cite
End Review	01/31/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Caroline Dixon Bartman, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2878

RIN: 3235–AD86

4314. ● RULES 15BA2-4, 15BA2-5, 15BA2-6 AND 15BC3-1 UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.15Ba2-4; 17 CFR 240.15Ba2-5; 17 CFR 240.15Ba2-6; 17 CFR 240.15Bc3-1

Legal Deadline: None

Abstract: These rules provide procedures for the registration of successors to a registered municipal securities dealer (MSD); the registration of a fiduciary appointed to continue the business of a MSD; and the withdrawal from registration of a MSD.

Timetable:

Action	Date	FR Cite
End Review	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Caroline Dixon Bartman, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW., Washington, DC 20549, 202 272-2878

RIN: 3235–AD87

4315. PROPOSED RULE 3A-4—INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

CFR Citation: 17 CFR 270.3a-4

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman 202 272-3042

RIN: 3235–AA12

4316. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

CFR Citation: 17 CFR 270.17g-1

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman 202 272-3042

RIN: 3235–AA16

4317. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. The staff is no longer considering this proposal as a separate rulemaking proposal but is considering mutual fund governance in the context of a comprehensive study of the Investment Company Act of 1940.

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Extended Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	
Withdrawn	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen L. Skidmore, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 10-4), Washington, DC 20549, 202 272-2048

RIN: 3235–AA44

SEC

Completed Actions

4318. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

CFR Citation: 17 CFR 270.17j-1

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman 202 272-3042

RIN: 3235–AA68

4319. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

CFR Citation: 17 CFR 275.206(3)-3

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman 202 272-2107

RIN: 3235–AB74

4320. ADVERTISING BY INVESTMENT ADVISERS

CFR Citation: 17 CFR 275.206(4)-1

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze 202 272-2098

RIN: 3235–AC09

4321. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940, AND TO ITEM 7 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-12(b); 15 USC 80a-17(d); 15 USC 80a-39; 15 USC 77a, et seq

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for comment amendments to Rule 12b-1 under the Investment Company Act to redefine the circumstances under which investment companies may finance distribution of fund shares by using fund assets. The Commission has also proposed amendments to Rule 17d-3 to allow affiliated investment companies to finance jointly distribution activities under certain conditions. Finally, the Commission has proposed amendments to Form N-1A which would require an additional disclosure to be made regarding the amount of payments under distribution plans. The staff is no longer considering these proposals as separate rulemaking proposals but is considering distribution issues in the context of a comprehensive study of the Investment Company Act of 1940.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23258
NPRM Comment Period End	12/14/88	
Withdrawn	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Senior Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AC11

4322. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

CFR Citation: 17 CFR 270.10f-3

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman 202 272-3042

RIN: 3235–AC28

4323. PROPOSED RULE 12D3-2 UNDER THE INVESTMENT COMPANY ACT

CFR Citation: 17 CFR 270.12d3-2

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte 202 272-2811

RIN: 3235–AC36

4324. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

CFR Citation: 17 CFR 270.17f-5

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman 202 272-2048

RIN: 3235–AC85

4325. PROPOSED RULE 6C-10 UNDER THE INVESTMENT COMPANY ACT OF 1940 AND AMENDMENT TO ITEM 2 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22(c); 15 USC 80a-37; 15 USC 80a-39; 15 USC 77a, et seq

CFR Citation: 17 CFR 270.6c-10; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for public comment rule 6c-10 under the Investment Company Act to provide a registered open-end management investment company, other than a registered insurance company separate account, and certain related persons with exemptions from the Act to the extent necessary to permit the fund to impose sales loads on a deferred basis. The Commission has also proposed amendments to Form N-1A, the registration statement for funds to accommodate the deferred sales loads that would be permitted if rule 6c-10 is adopted. The staff is no longer considering these proposals as separate rulemaking proposals but is considering deferred sales loads in the context of a comprehensive study of the Investment Company Act of 1940.

Timetable:

Action	Date	FR Cite
Withdrawn	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Senior Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D. C. 20549, 202 272-2048

RIN: 3235–AD18

4326. INFORMATION THAT BROKER-DEALERS MAY DISSEMINATE ABOUT INVESTMENT COMPANIES

CFR Citation: 17 CFR 230.139a

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth J. Berman 202 272-2107

RIN: 3235–AD20

4327. PROPOSED RULE 36A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

CFR Citation: 17 CFR 270.36a-1

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck 202 272-2048

RIN: 3235–AD33

4328. REVISIONS TO RULES 485 AND 486

CFR Citation: 17 CFR 230.485; 17 CFR 230.486; 17 CFR 200.30-5

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman 202 272-2107

RIN: 3235–AD55

4329. REVISIONS TO ANNUAL REPORT TO SHAREHOLDERS

CFR Citation: 17 CFR 274.11A

Completed:

Reason	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman 202 272-2107

RIN: 3235–AD56

4330. EXEMPTION FROM THE LIMITATION IMPOSED BY SECTION 12(D)(1)(A) OF THE INVESTMENT COMPANY ACT OF 1940

CFR Citation: 17 CFR 270.12d1-1

Completed:

Reason	Date	FR Cite
Final Action	03/05/90	55 FR 7706
Final Action Effective	04/04/90	55 FR 7706

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ann M. Glickman 202 272-3042

RIN: 3235–AD65

4331. ● PROPOSED RULE 11C-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-11(c)

CFR Citation: 17 CFR 270.11c-1

Legal Deadline: None

Abstract: The staff is no longer considering possible revisions to Rule 11c-1, which would permit unit investment trust and their sponsors to make certain exchange offers without prior Commission approval, provided certain conditions are met.

Timetable:

Action	Date	FR Cite
Original rule proposal	12/31/86	51 FR 47260
NPRM	08/11/88	53 FR 30299
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck, Attorney, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, N.W. (Stop

10-4), Washington, DC 20549, 202 272-2048

RIN: 3235–AD82

4332. ● PROPOSED RULES 2A19-2 AND 2A3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-8;; 15 USC 77g;; 15 USC 77j

CFR Citation: 17 CFR 270.2a19-2; 17 CFR 270.2a3-1

Legal Deadline: None

Abstract: The staff is no longer considering recommending that the Commission propose rules providing, under appropriate conditions, comparable treatment for investment companies organized as limited partnership as for investment companies organized as corporations.

Timetable:

Action	Date	FR Cite
Withdrawn -- The staff is no longer considering this proposal.	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck, Attorney, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, N.W. (Stop 10-4), Washington, DC 20549, 202 272-2048

RIN: 3235–AD83

[FR Doc. 90-8139 Filed 04-20-90; 8:45 am]

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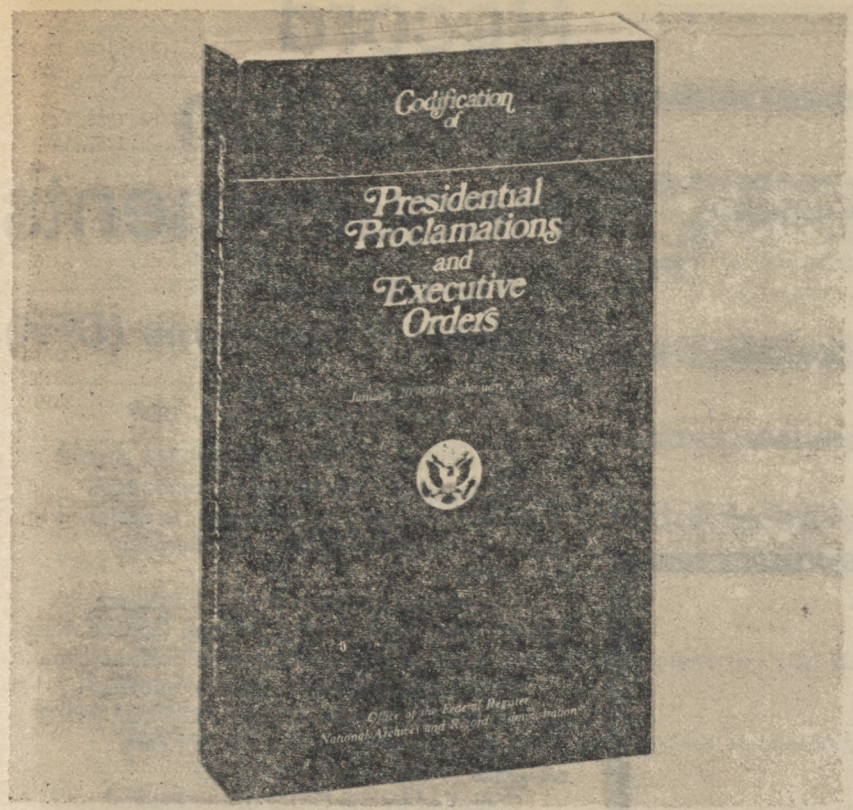

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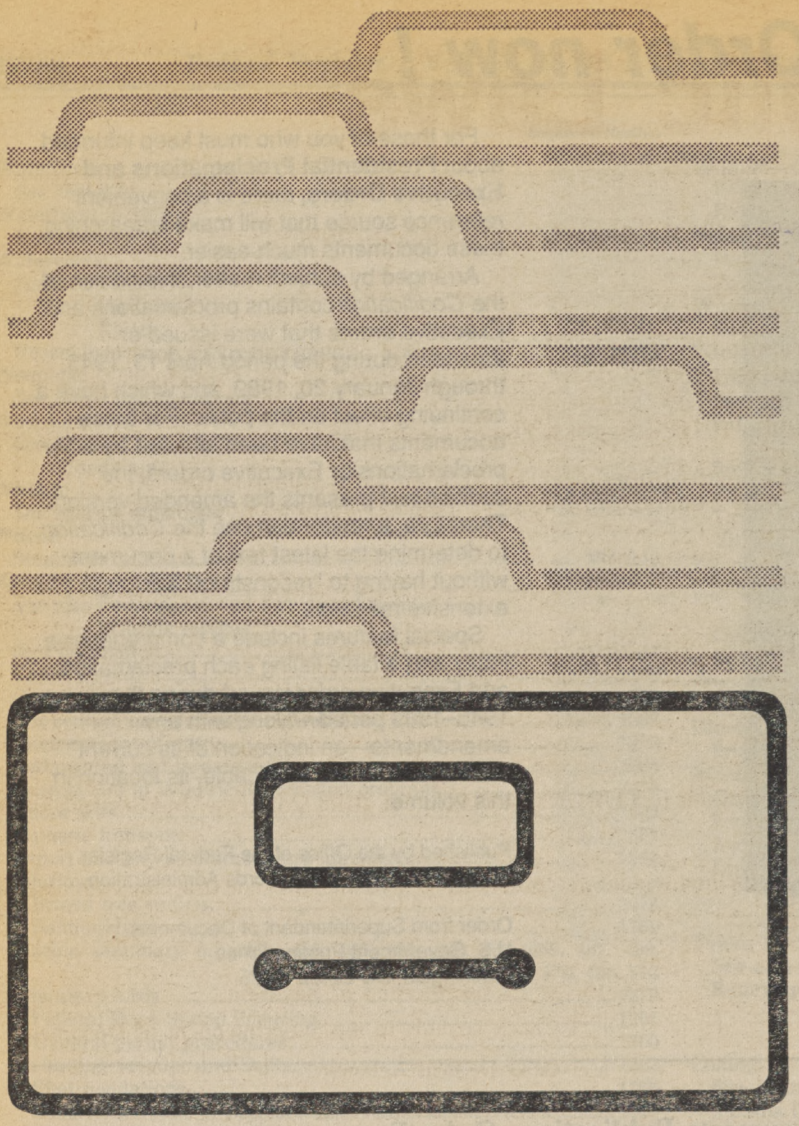

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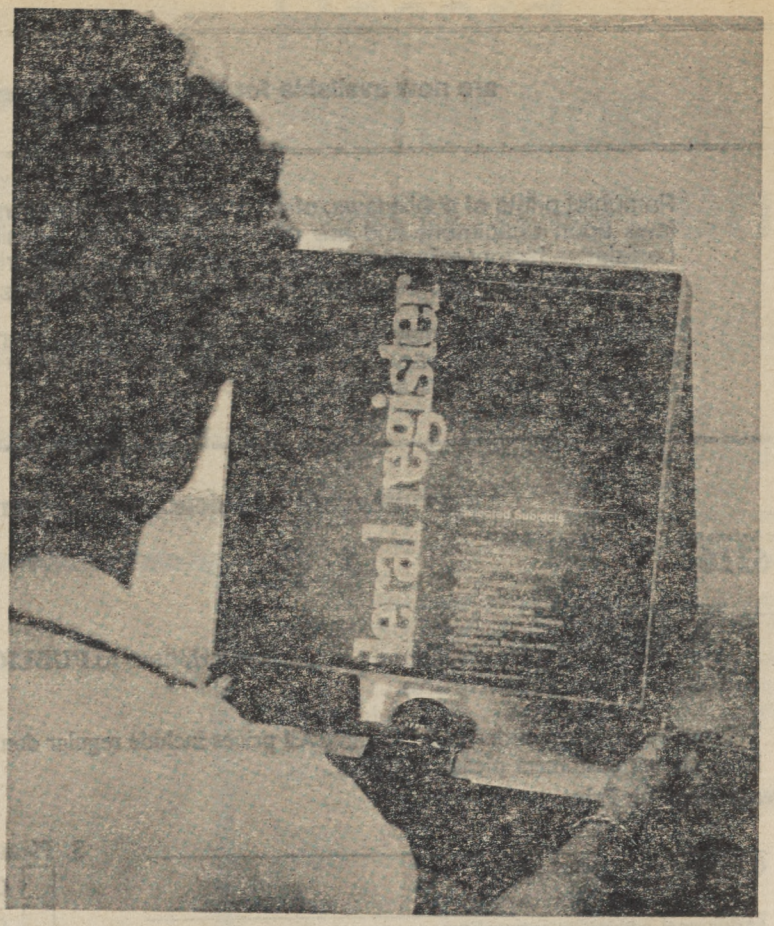

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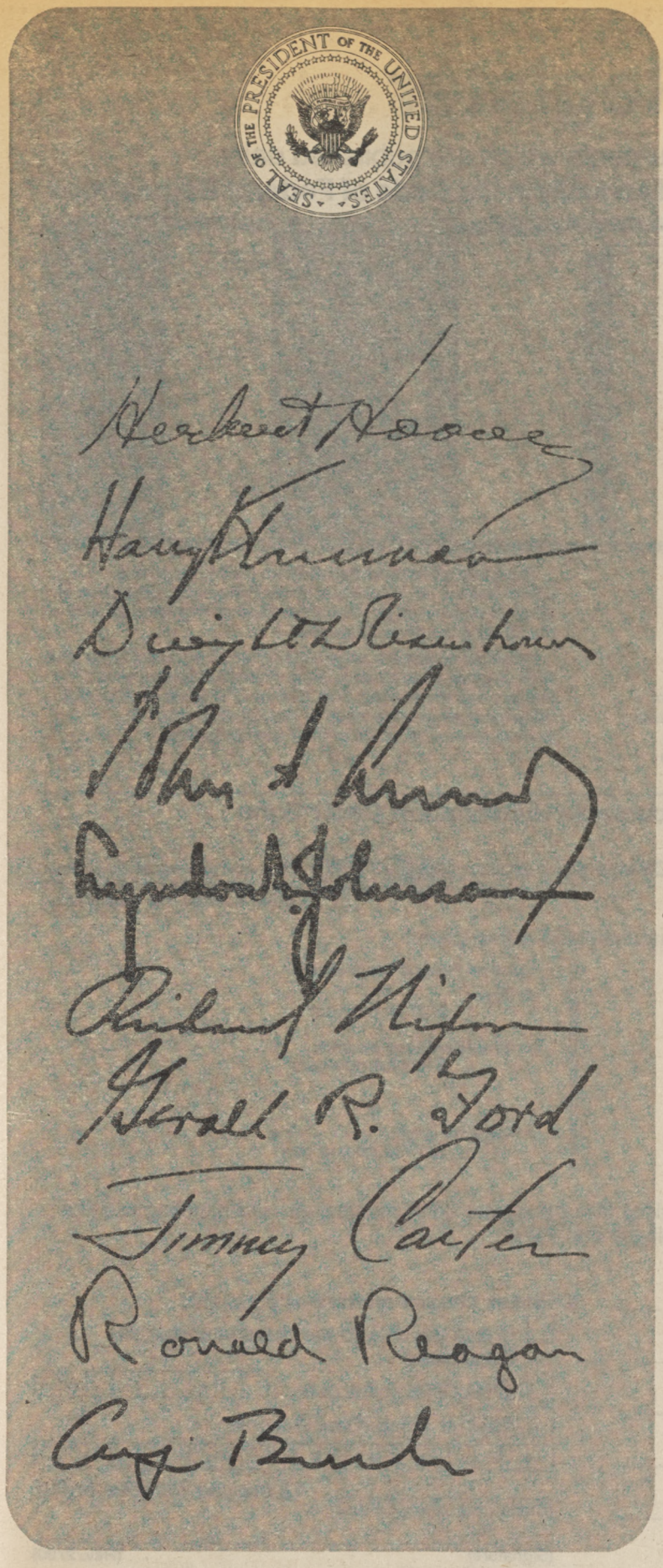

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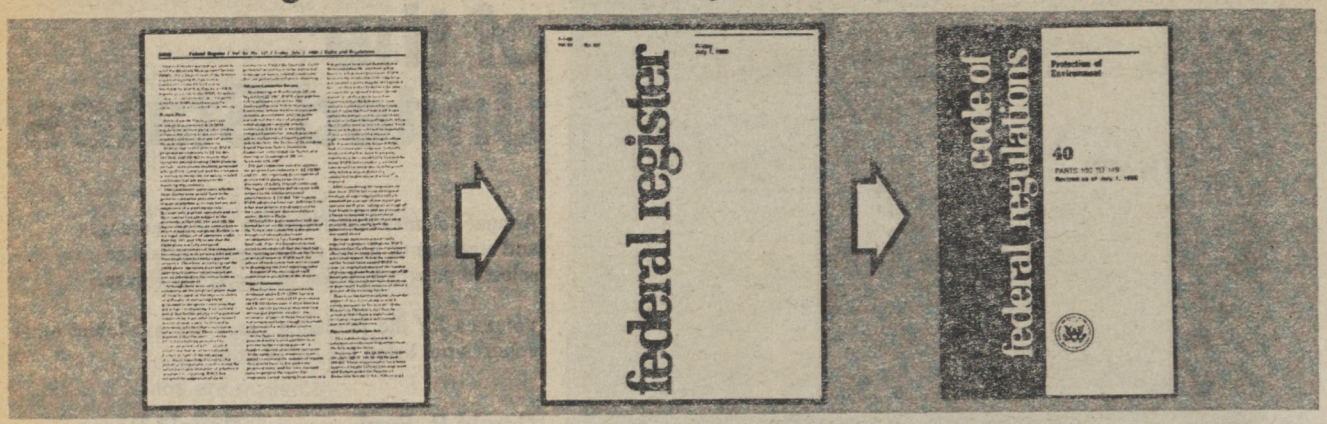

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Part II

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Introduction to the Unified Agenda of Federal Regulations

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AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry and publication in a uniform format. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill that requirement. All Federal Regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1990 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, (202) 395-6993, or Margaret M. Donohoe, Project Coordinator, (202) 395-4931.

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INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing Executive Orders 12291 "Federal Regulation" (46 FR 13193; 3 CFR 1981 Comp., p. 127) and 12498 "Regulatory Planning Process" (50 FR 1036; 3 CFR 1985 Comp., p. 323). Under E.O. 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Unified Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings they have under development. The Regulatory Program includes fewer than half of those agencies and contains only the most significant of all the regulatory actions that each of those agencies plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

The regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 59 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. The National Capital Planning Commission has published a regulatory agenda in the past but has nothing to report for this edition of the **Unified Agenda**. Agencies of the United States Congress are not included.

Beginning with the October 1989 edition, the Agenda has helped fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their agendas, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. This procurement information will be used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

The Agenda contains a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help the reader locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For each agency that requested it, the Center provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, government levels affected, agency contact, and a unique Regulation Identifier Number. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

Dated: April 1, 1990.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register.** The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency lists its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a NPRM as the next step in their rulemaking process or for which the closing date of the NPRM comment period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under E.O. 12291, such as those concerning military or

foreign affairs functions and regulations related to internal agency management.

Entries describing regulations in the Agenda should contain, at a minimum, the following information:

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The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide common name references to laws in addition to U.S.C. or P.L. references.
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
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- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 04/00/90 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Government Levels Affected -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement-Related Actions -- in the Additional Information section, a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether or not there is a paperwork burden associated with the action.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 23, 1990, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles. Where applicable, individual actions will be subject to review for compliance with Executive Order 12291, the Regulatory Flexibility Act, the OFPP Act, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register**.

EO -- An Executive order is a directive from the President to an executive agency issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 97-17 would be the 17th public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill;

any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM, and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by E.O. 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of E.O. 12291; namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- not be undertaken unless the potential benefits outweigh the potential costs to society;
- maximize net benefits to society;
- entail the least net cost to society of the alternatives considered; and
- take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

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Federal Register

Monday
April 23, 1990

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Spring 1990.

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and nonmajor regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291 "Federal Regulation." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESS: Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: March 1, 1990.

Jacquelyn C. Patterson,

Chief, Regulatory & Legislative Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	Voluntary Inspection and Grading of Egg Products	0581-AA33
2	Grading of Shell Eggs	0581-AA34
3	Mandatory Inspection of Eggs and Egg Products	0581-AA35
4	Voluntary Grading of Poultry Products and Rabbit Products	0581-AA36

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
5	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
6	Proposed New Milk Marketing Order for North Carolina and South Carolina	0581-AA28
7	Proposed New Marketing Agreement and Order for Seedless European Cucumbers	0581-AA30

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
8	Proposed Marketing Order for Vidalia Onions Grown in Georgia	0581-AA29

Agricultural Stabilization and Conservation Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
9	Regulations for Procurement of Processed Agricultural Commodities for Donation Under Title II, P.L. 480	0560-AB79

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Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
10	1990 Rice Program	0560-AB45
11	1990 Wool and Mohair program	0560-AB49
12	1990 Crop Peanuts National Poundage Quota	0560-AB54
13	1990 Upland Cotton Program	0560-AB55
14	1990 Crop Honey Price Support Program	0560-AB60
15	1990 Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB61
16	1990 Crop Flue-Cured Tobacco Marketing Quota and Price Support Level	0560-AB62
17	1990 Crop National Average Loan Rates for Quota and Additional Peanuts and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB63
18	1990 Price Support Levels for Five Kinds of Tobacco	0560-AB64
19	1990 Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB65
20	1991 Crop Peanuts National Poundage Quota	0560-AB66
21	1990 Soybean Program	0560-AB67
22	1990 Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB68
23	1990 CCC Cotton Loan Program Regulations—Bale Packaging Materials	0560-AB69
24	1990 Marketing Year Penalty Rates for all Kinds of Tobacco Subject to Quotas (Except Puerto-Rican Cigar Filler)	0560-AB70
25	1991 Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB74
26	1991 Crop Flue-Cured Tobacco Marketing Quota and Price Support Level	0560-AB75
27	1991 Crop Price Support Levels for Six Kinds of Tobacco	0560-AB76
28	1991 Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB77
29	1990 Marketing Year Penalty Rate for Puerto Rican Cigar-Filler Tobacco	0560-AB78
30	1991 CCC Cotton Loan Program Regulations—Bale Packaging Materials	0560-AB80

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
31	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
32	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
33	1990 Extra Long Staple (ELS) Cotton Program	0560-AB43
34	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 1)	0560-AB47
35	1989 Soybean Program	0560-AB48
36	1990 Feed Grain Program	0560-AB56
37	1990 Milk Price Support Program	0560-AB59
38	1989 Marketing Year Penalty Rate for Puerto-Rican Cigar-Filler Tobacco	0560-AB71
39	Crop Years 1989 and 1990 Shrink Adjustment for Additional Peanuts	0560-AB72

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
40	Notice of Intent to Regulate Horses and Farm Animals and Activities Involving These Animals Under the Animal Welfare Act, Advance Notice of Proposed Rulemaking	0579-AA31

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
41	Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products- Phase I	0579-AA21
42	Exotic Newcastle Disease in all Birds and Poultry; Pscittacosis and Ornithosis in Poultry	0579-AA22
43	Revision of 7 CFR 319.56, Importation of Fruits and Vegetables	0579-AA23
44	Animals Destroyed Because of Scrapie	0579-AA24
45	Imported Fire Ant	0579-AA25

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Animal and Plant Health Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
46	Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Communicable Animal Diseases	0579-AA28
47	Citrus Canker	0579-AA29
48	Horse Protection Inspection Guidelines	0579-AA32
49	National Environmental Policy Act Implementing Regulations	0579-AA33
50	Cyclical Review of 9 CFR Part 92, Phase II	0579-AA34
51	Importation of Certain Animal Embryos	0579-AA35
52	Importation of Horses from Countries Affected with Contagious Equine Metritis	0579-AA36
53	Honeybees and Honeybee Semen; Removing Certain Restrictions on Honeybees and Honeybee Semen from New Zealand	0579-AA37
54	Gypsy Moth	0579-AA39
55	Ruminants and Swine Imported from Foot-and-Mouth-Disease Countries	0579-AA40
56	Importation of Nursery Stock Plants, Roots, Bulbs, Seeds, and Other Plant Products - Phase II	0579-AA41

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Animal Welfare Regulations; Standards	0579-AA20
58	Cyclical Review of 9 CFR Part 92, Phase I	0579-AA30
59	Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Prevention of Poultry Diseases	0579-AA38

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
60	Procedures for Importing Animals Through the Harry S. Truman Animal Import Center; Approval of Embarkation Quarantine Facilities	0579-AA26
61	Swine Identification	0579-AA27

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
62	USDA Guidelines for Research with Genetically Modified Organisms Outside Contained Facilities	0524-AA00

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
63	Property Management	0575-AA03
64	Housing Preservation Grants	0575-AA18
65	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
66	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
67	Security Servicing for Multiple Housing Loans	0575-AA38
68	Management and Collection of Nonprogram (NP) Loans	0575-AA39
69	Complaints and Compensation for Construction Defects	0575-AA41
70	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA42
71	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA49

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Farmers Home Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
72	Real Property Insurance	0575-AA53
73	Security Servicing for Single Family Rural Housing Loans	0575-AA54
74	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA55
75	Secondary Market for Farmer Program Loans	0575-AA59
76	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AA60
77	Changes to Farmers Home Administration (FmHA) Guaranteed Loan Making and Servicing Regulations as a Result of a Study of the Program Requested by OMB	0575-AA66
78	Rural Rental Housing Loan Policies, Procedures and Authorizations —Processing Preapplications	0575-AA67
79	Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received - Multiple Family Housing	0575-AA69
80	Appraisal of Rural Rental Housing Properties	0575-AA71
81	Community Programs Guaranteed Loans	0575-AA72
82	Rural Rental Housing Policies, Procedures and Authorizations 1944-E	0575-AA73
83	Rural Rental Housing Policies, Procedures and Authorizations 1944-E	0575-AA75
84	Appraisal of Real Estate Security for Rental, Cooperative and Labor Housing Loans	0575-AA76
85	Rural Rental Housing Policies, Procedures and Authorizations 1944-E	0575-AA77
86	Rural Housing Program Loans	0575-AA78
87	Rural Rental Housing Policies, Procedures and Authorizations, 1944-E or (Accountability in Funding Rural Housing Program Awards or Assistance)	0575-AA79
88	Rural Rental Housing Displacement Prevention	0575-AA82
89	Civil Rights Compliance Requirements - 1940-D	0575-AA83

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
90	Self-Help Technical Assistance Grants	0575-AA34
91	Security Servicing for Multiple Housing Loans	0575-AA51
92	Changes to the Farmers Home Administration (FmHA) Farmer Program Loan Making, Supervision and Servicing Regulations to Implement Applicable Provisions of "The Agricultural Credit Act of 1987"	0575-AA56
93	Rural Rental Housing Loan Policies, Procedures and Authorizations —Congregate Housing and Group Homes	0575-AA58
94	Farm Labor Loan and Grant Policies, Procedures, and Authorization	0575-AA62
95	Rural Rental Housing Loan Policies, Procedures, and Authorizations—Cooperative Housing Loans	0575-AA63
96	Processing and Servicing FmHA Assistance to Employees, Relatives and Associates	0575-AA64
97	Drought and Disaster Guaranteed Loans	0575-AA65
98	Adverse Decisions and Administrative Appeals FmHA Instruction 1900-B	0575-AA70
99	1951-K Account Servicing and Collections	0575-AA74
100	Farmer Program Loans	0575-AA80
101	Conservation Easements on Inventory Property	0575-AA81
102	Emergency Community Water Assistance Grants	0575-AA84
103	Disaster Assistance for Rural Business Enterprises	0575-AA85

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
104	Management and Supervision of Multiple Family Housing Borrowers	0575-AA20
105	Rural Housing Program Loans	0575-AA48
106	Adverse Decisions and Administrative Appeals	0575-AA68

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Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
107	Common Crop Insurance Regulations and Policy	0563-AA03
108	Apple Crop Insurance Regulations	0563-AA08
109	Arizona/California Citrus Crop Insurance Regulations	0563-AA09
110	Canning and Freezing Sweet Corn Crop Insurance Regulations	0563-AA10
111	Canning Peach Crop Insurance Regulations	0563-AA11
112	Fresh Market Tomato Crop Insurance Regulations	0563-AA12
113	Hybrid Seed Crop Insurance Regulations	0563-AA13
114	Macadamia Nut Crop Insurance Regulations	0563-AA14
115	Macadamia Tree Crop Insurance Regulations	0563-AA15
116	Pea Crop Insurance Regulations	0563-AA16
117	Peach Crop Insurance Regulations	0563-AA17
118	Peanut Crop Insurance Regulations	0563-AA18
119	Pepper Crop Insurance Regulations	0563-AA19
120	Popcorn Crop Insurance Regulations	0563-AA20
121	Potato Crop Insurance Regulations	0563-AA21
122	Prune Crop Insurance Regulations	0563-AA22
123	Table Grape Crop Insurance Regulations	0563-AA23
124	Tobacco (Quota Plan) Crop Insurance Regulations	0563-AA24
125	Walnut Crop Insurance Regulations	0563-AA25
126	Nursery Crop Insurance Regulations	0563-AA26

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
127	Barley Crop Provisions	0563-AA04
128	Oat Crop Provisions	0563-AA05
129	Rye Crop Provisions	0563-AA06
130	Wheat Crop Provisions	0563-AA07

Federal Grain Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
131	United States Standards for Soybeans	0580-AA14

Federal Grain Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
132	Regulations Under the United States Grain Standards Act; Reg. Review	0580-AA08
133	United States Standards for Sorghum	0580-AA10
134	United States Standards for Rice	0580-AA11
135	United States Standards for Beans	0580-AA13
136	United States Standards for Wheat	0580-AA15
137	Fees for Federal Aflatoxin Testing and Falling Number Determination Services	0580-AA16
138	Fees for Railroad Track Scale Testing Services	0580-AA17
139	Beltsville Commodity Laboratory Test Fees	0580-AA18

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Federal Grain Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
140	Shiplot Inspection Plan - Cu-Sum	0580-AA09
141	Canola/Rapeseed Standards	0580-AA12

Federal Grain Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
142	Official Performance Requirements for Grain Inspection Equipment	0580-AA19
143	United States Standards for Wheat	0580-AA20

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
144	Emergency Food Assistance for Victims of Disasters	0584-AA24
145	Rules of Procedure	0584-AA75
146	Miscellaneous QC Provisions of Hunger Prevention Act of 1988	0584-AA76
147	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Delivery Systems	0584-AA80
148	Outcome-Based Performance Standards for Food Stamp Employment and Training Programs	0584-AA82
149	Special Supplemental Food Program for Women, Infants and Children Non-Discretionary Funding Rule	0584-AA83
150	Coordinated Review Effort	0584-AA84

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
151	Food Distribution Program - Part 250	0584-AA07
152	Employment and Training Requirements Technical Corrections Proposed Rule	0584-AA72
153	Systematic Alien Verification for Entitlements	0584-AA73
154	Child and Adult Care Food Program - Adult Day Care Provision	0584-AA74
155	Employment and Training Requirements - Nondiscretionary Provisions from the Hunger Prevention Act of 1988	0584-AA79

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
156	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
157	Administration/ Management: Food Stamp Program	0584-AA63
158	Automated Data Processing Equipment and Services: Conditions for Federal Financial Participation	0584-AA81

USDA

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
159	Eligibility of Foreign Countries for Importation of Products into the United States	0583-AA55
160	Production of Certain Minimally Processed, Uncured, Perishable Products Packed in Sealed Containers	0583-AB14
161	Heat Processing Procedures; Cooking Instructions and Cooling, Handling and Storage Instructions for Uncured Comminuted Meat and Poultry Products	0583-AB19
162	Non-Residue Labeling Claims About Animal Production Practices	0583-AB21

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
163	Requirements for Partially Defatted Meat Products	0583-AA27
164	Voluntary Residue Control Program	0583-AA29
165	Sulfonamide Residues in Swine	0583-AA31
166	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
167	Use and Protection of Approved Water Systems	0583-AA54
168	Certain Products with Meat Ingredients—Exemptions From Definition of a "Meat Food Product"	0583-AA62
169	Additional Trichina Detection Methods	0583-AA67
170	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products	0583-AA75
171	Increase in Use Levels of Sodium Citrate as an Anticoagulant	0583-AA76
172	Requirements for the Production of Fermented Sausage	0583-AA77
173	Use of Various Binders in Cured Pork Products	0583-AA78
174	Use of Sorbitol as a Flavoring Agent in Specific Meat Products	0583-AA79
175	Processing Procedures and Cooking Instructions for Cooked, Uncured Meat Patties	0583-AA81
176	Sodium/Potassium Lactate as Antimicrobial Agents in Specific Meat and Poultry Products	0583-AA83
177	Automatic Expiration System for Approved Labels	0583-AA87
178	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products	0583-AA88
179	Labeling of Frankfurters and Similar Products Containing Binders	0583-AA92
180	Substances Approved for Use in Meat Products—Revision of Listings	0583-AA93
181	Imported Product; Movement Prior to Reinspection	0583-AA94
182	Revision of Requirements for Finished Product Inspection	0583-AA95
183	Review of Retail Store Inspection Exemptions	0583-AA96
184	Processing Requirements for Dried Ready-to-Eat Meat and Poultry Products	0583-AA97
185	Ante-Mortem Inspection of Disabled Animals on Transport Vehicles	0583-AA98
186	Jar Closure Requirements	0583-AB00
187	Exemption From "Equal To" Requirements	0583-AB01
188	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products	0583-AB02
189	Poultry Post-Mortem Inspection System	0583-AB03
190	Export Certification Procedures	0583-AB04
191	Pest Control in Official Establishments	0583-AB08
192	Use of Tricalcium Phosphate as a Sequestrant in Mechanically Deboned Chicken	0583-AB09
193	Product Detentions	0583-AB10
194	Undenuded Beef Stomachs; Finished Product Standards and Manufacturing and Inspection Procedures	0583-AB11
195	Labeling Requirements for Packaged Products Which Require Special Handling to Maintain Their Wholesome Condition	0583-AB12
196	Use of Compressed Air in Boning Operations	0583-AB13
197	Use of Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Citrate, and Sodium Ascorbate in Fresh Beef and Lamb	0583-AB15
198	Additional Methods for Destroying Trichinae; Prosciutto	0583-AB17
199	Policy for Differentiating Between Calves and Adult Cattle	0583-AB18
200	Use of Citric Acid as a Color Preservative on the Surface of Cured Meat Cuts	0583-AB20

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
201	Cattle Post-Mortem Inspection Procedures and Staffing Procedures	0583-AA32
202	Trichina Control Requirements for Dry-Cured Ham	0583-AA49

USDA

Food Safety and Inspection Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
203	Use of Certain Binders in Meat and Poultry Products and Transfer of Binders in Text to the Tables of Approved Substances	0583-AA64
204	Sulfonamide and Antibiotic Residues in Young Veal Calves; Reduced Testing	0583-AA68
205	Net Weight	0583-AA69
206	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances	0583-AA71
207	Partially Cooked, Cured and Smoked Poultry Breakfast Strips	0583-AA82
208	PFF for Turkey Ham	0583-AA84
209	Importation of Livestock Carcasses with Tissues Removed	0583-AA85
210	Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection	0583-AA99

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
211	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
212	Determination of Added Water in Cooked Sausages	0583-AA30
213	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid, and Calcium Lactate	0583-AA34
214	Use of Lactic Acid and Acetic Acid as Anti-Microbial Agents on Meat and Poultry Carcasses	0583-AA43
215	Ingredients That May Be Identified as Flavors or Natural Flavors When Used in Meat and Poultry Products	0583-AA44
216	Requirements For Imported Poultry Products	0583-AA52
217	Sulfonamide and Antibiotic Residues in Young Veal Calves; Certification Requirements	0583-AA58
218	Immersion Cured and Dry Cured Bacon	0583-AA65
219	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid and Calcium Lactate in Ground and Formed Poultry Products	0583-AA73
220	Lactic Acid Starters	0583-AA86
221	Use of Tocopherols, Ascorbyl Palmitate and Citric Acid as Antioxidants in Additional Products	0583-AA89
222	Importation of Meat and Poultry Products; Refused Entry Product	0583-AA90
223	Definition of Terms—"Importation" and "Entry"	0583-AA91
224	Additional Substances for Use in the Preparation of Meat and/or Poultry Products	0583-AB07
225	Imported Product; Withdrawal of Panama From the List of Countries Eligible for Importation of Meat Products	0583-AB16

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
226	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23
227	Proposed Regulations Governing Implementation of the Targeted Export Assistance Program (TEA) Overseas	0551-AA24
228	Proposed Regulations Governing the Operation of the Export Enhancement Program (EEP)	0551-AA25
229	Proposed Regulations Governing Implementation of the Cooperator Market Development Program Overseas	0551-AA26

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
230	Determination of the Market Stabilization Price for Sugar for FY 1990	0551-AA20
231	Determination of Import Quotas on Sugar for Fiscal Year 1990	0551-AA21

USDA

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
232	Part 219 Planning	0596-AA50
233	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
234	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart A - General Provisions	0596-AA89
235	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart B - Timber Sale Contracts	0596-AA90
236	Special Areas	0596-AA91

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
237	Suspension and Debarment of Timber Purchasers, 36 CFR 223, Subpart C	0596-AA09
238	Financial Security of National Forest System Timber Sale Contracts	0596-AA33
239	Grazing and Livestock Use	0596-AA35
240	Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
241	Prohibition on Mechanical Transport and Other Activities in Wilderness	0596-AA39
242	Revision of Timber Sale Contract Forms FS-2400-6 and FS-2400-6T	0596-AA45
243	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
244	Locatable Minerals	0596-AA49
245	36 CFR 271—Use of "Smokey Bear" Symbol	0596-AA66
246	36 CFR 261 Prohibitions	0596-AA75
247	Revise Small Tracts Act Regulations	0596-AA79
248	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251 to Remove Ambiguities Regarding First Amendment Rights	0596-AA80
249	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management and Federal Refuge Regulations	0596-AA81
250	Hell's Canyon National Recreation Area—Private Lands	0596-AA88
251	Solid Waste Disposal Policy	0596-AA92
252	Irrevocable Letter of Credit	0596-AA93
253	Reserved and Outstanding Mineral Rights	0596-AA99
254	Disposal of Quartz Mineral on the Ouachita National Forest	0596-AB01
255	Federal Cave Resources Protection	0596-AB02
256	Pre-Award Information Requirements	0596-AB03
257	Forest Service Wilderness Management Policy	0596-AB04
258	National Environmental Policy Act Revised Implementing Policy and Procedures	0596-AB05
259	Recreation Residence Authorization Policy	0596-AB06
260	Fee Policy for Reservoirs	0596-AB07
261	Graduated Rate Fee System	0596-AB11
262	Expanded Use of Prospecting Permits and Preference Right Sales for Mineral Materials	0596-AB12
263	Old-Growth Values and Definition—Policy	0596-AB13
264	Rulemaking: Implementation and Revision of Forest Plans	0596-AB14
265	Intervention in Appeals	0596-AB15

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
266	Land Status and Title Records	0596-AA24
267	Access to Non-Federal Lands	0596-AA31
268	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
269	Conservation of Fish, Wildlife, and Their Habitats; Chugach National Forest, Alaska	0596-AA41
270	Land Exchanges	0596-AA42
271	Small Business Timber Sale Set Aside Program	0596-AA43
272	Definition of Common Variety Mineral Materials	0596-AA44
273	Leasable Minerals Other than Oil and Gas	0596-AA46
274	Indian Allotments on National Forest System Lands	0596-AA52
275	Prohibitions; Fossil Collecting	0596-AA56
276	Surety Bond Form Revision	0596-AA94
277	Douglas-Fir Lumber Price Index Review	0596-AB00

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Forest Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
278	Hells Canyon National Recreation Area—Use of National Forest Lands	0596-AB08
279	Giving Notice of Decisions Subject to Appeal	0596-AB10

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
280	Grazing Fees; Eastern and Southern Regions	0596-AA55
281	Law Enforcement Support Activities	0596-AA65
282	Oil and Gas Resources	0596-AA82
283	Isolated Cabin Policy	0596-AA85
284	Implementation of National Forest Land and Resource Management Plans	0596-AB09

Office of Finance and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
285	Implementation of the Program Fraud Civil Remedies Act of 1986	0505-AA05

Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
286	General Bonding Regulations	0590-AA06

Rural Electrification Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
287	Accounting Requirements for REA Electric Borrowers	0572-AA23
288	Loan Security Documents—Telephone Program	0572-AA30
289	REA Policy on Audits of Electric and Telephone Borrowers	0572-AA36
290	Rural Economic Development Loan and Grant Program	0572-AA37
291	REA Requirements for Engineering and Economic Support Requests for Loans and Loan Guarantees for New Generation and Related Transmission Facilities	0572-AA38
292	Member Credit Support of Power Supply Borrowers	0572-AA39
293	Federal Pre-emption in Rule Making in Connection with Power Supply Borrowers	0572-AA40
294	Wholesale Contracts for the Purchase and Sale of Electric Power and Energy	0572-AA41

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Rural Electrification Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
295	List of Standard Forms of Telecommunications Contracts	0572-AA20
296	Prepayment of REA Guaranteed Federal Financing Bank Loans - Electric	0572-AA42

Rural Electrification Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
297	Telephone System Construction Contract	0572-AA21
298	Procedures for Securing Rural Electrification Administration Approval of Consolidating/Merger Electric Borrowers	0572-AA25
299	Financial Management and Forecasting for Electric Distribution Borrowers	0572-AA26
300	Prepayment of REA Guaranteed Federal Financing Bank Loans	0572-AA29
301	Telephone Materials, Equipment, and Construction - Telephone Program	0572-AA31
302	Criteria for Securing REA Approval of Asset Sales by Electric Borrowers	0572-AA33
303	List of Standard Forms of Electric Contracts - REA Form 830 Electric System Construction Contract and REA Form 831 Electric Transmission Construction Contract	0572-AA34
304	REA Bulletin 50-6 (D-806), Specification and Drawings for Underground Electric Distribution	0572-AA35

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
305	Relocation Assistance	0578-AA12

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Soil Surveys	0578-AA00
307	Snow Surveys and Water Supply Forecasts	0578-AA01
308	Farmland Protection Policy Act	0578-AA14

Office of Operations—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
309	Agriculture Acquisition Regulation	0599-AA00

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Agricultural Marketing Service (AMS)

1. VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 55

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of voluntary inspection and grading services for egg products.

USDA—AMS **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington DC 20090-6456, 202 447-3506

RIN: 0581–AA33

2. GRADING OF SHELL EGGS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 56

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the service for grading shell eggs and U.S. standards, grades, and weight classes.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA34

3. MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 59

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the mandatory inspection program for eggs and egg products.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA35

4. VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the voluntary grading service for poultry and rabbit products and U.S. classes, standards and grades.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington DC 20090-6456, 202 447-3506

RIN: 0581–AA36

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Proposed Rule Stage

5. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act; 7 USC 511 to 511q; Tobacco Inspection Act; 7 USC 499a to 499s; Perishable Agricultural Commodities Act; 7 USC 471 to 476; Cotton Statistics and Estimates Act of 1927; 7 USC 511r; Tobacco Adjustment Act of 1983; 7 USC 15b; US Cotton Futures Act

CFR Citation: 7 CFR 27 to 209

Legal Deadline: None

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Wyatt, Regulatory Review Officer, Department of Agriculture, Agricultural Marketing Service, Room 3516-S, Washington, DC 20250, 202 447-3785

RIN: 0581–AA19

6. PROPOSED NEW MILK MARKETING ORDER FOR NORTH CAROLINA AND SOUTH CAROLINA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act

CFR Citation: 7 CFR 1005 (New)

Legal Deadline: None

Abstract: To establish minimum uniform classified use prices to processors for raw milk received from producers and marketed in the current of interstate commerce. The States do not have authority to price the milk

USDA—AMS **Proposed Rule Stage**

originating from out-of-State sources. The producer grouped in the Carolinas request that a Federal order be established to provide minimum prices to all dairy farmers whose milk is marketed in the Carolinas.

Timetable:

Action	Date	FR Cite
NPRM Public Hearing	04/17/89	54 FR 11206

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clayton Plumb, Chief, Order Formulation Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Bldg., Washington, DC 20250, 202 447-6273

RIN: 0581–AA28

7. PROPOSED NEW MARKETING AGREEMENT AND ORDER FOR SEEDLESS EUROPEAN CUCUMBERS

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 968, (New)

Legal Deadline: None

Abstract: To establish minimum quality standards, container requirements and market promotion. The proposal was submitted by the Greenhouse Vegetable Growers Association. The proposed agreement and order would promote the quality and pack of seedless European cucumbers in the marketplace. In addition, it would enable the establishment of production research and marketing research and development activities to improve production practices and increase the consumption of seedless European cucumbers. The program would be financed by assessments levied on seedless European cucumber handlers. The assessment rate would be recommended by the committee and approved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	52 FR 24070
NPRM Public hearing	06/22/88	52 FR 24070
NPRM Recommended Decision	10/11/89	54 FR 41601

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA30

DEPARTMENT OF AGRICULTURE (USDA) **Final Rule Stage**

Agricultural Marketing Service (AMS)

8. PROPOSED MARKETING ORDER FOR VIDALIA ONIONS GROWN IN GEORGIA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 955, (New)

Legal Deadline: None

Abstract: To authorize production and marketing research and promotion projects including paid advertising for Vidalia onions. The primary objective of this program would be to improve grower returns by strengthening consumer demand through various promotion activities and by reducing costs through production and marketing research. The program would be financed by assessments on handlers.

Timetable:

Action	Date	FR Cite
NPRM	08/23/88	52 FR 32054
NPRM Public Hearing	08/23/88	53 FR 32054
Tentative Decision and Referendum Order	02/24/89	54 FR 8160
Interim Final Rule	03/16/89	54 FR 10972
Comment period end	06/30/89	
Secretary's Final Decision	08/29/89	54 FR 35656
Final Order	01/09/90	55 FR 715

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA29

BILLING CODE 3410-02-T

DEPARTMENT OF AGRICULTURE (USDA) **Prerule Stage**

Agricultural Stabilization and Conservation Service (ASCS)

9. ● REGULATIONS FOR PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION UNDER TITLE II, P.L. 480

Legal Authority: 7 USC 1721 et seq; Agricultural Trade Development and Assistance Act of 1954; as amended, Title II

CFR Citation: 07 CFR 1496

Legal Deadline: None

Abstract: This action would advise the public that CCC is giving consideration to changing the manner in which ocean freight rates and services are handled for bid evaluations of processed commodities procured for donation under Title II, P.L. 480.

USDA—ASCS

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
NPRM	08/00/90	
Final Action	01/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB79

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS)

Final Rule Stage

10. 1990 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended, Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719 to 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1990.

Abstract: To assure sufficient supplies of rice for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--85 percent of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5 percent from previous year's level nor be lower than $6.50/cwt, (2) target price--no lower than $10.71/cwt, (3) acreage limitation--no more than 35 percent, with a target carryover level of 30 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to USDA will likely range from $0.8 to $1.1 billion.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46092
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB45

11. 1990 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 201

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will ensure a viable domestic wool industry in the future, by supporting the price of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. Determination is to be made on the support level for mohair, which may not be more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 46957
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB49

12. 1990 CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: The objective of this action is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

Timetable:

Action	Date	FR Cite
Announcement	12/15/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB54

13. 1990 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; The Agricultural Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs and comply with statutory requirements. Determinations to be made are (1) loan rate--not less than 50.00 cents/lb., (2) target price--not less than 72.90 cents/lb., (3) loan repayment rate--if world price is below loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A(a(5))], (4) acreage reduction--no greater than 25%, and (5) other provisions: whether or not to implement voluntary paid land diversion, half-compliance program, advance deficiency or diversion payments and PIK payments. The cost to USDA will likely range from $1.0 to $3.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33744
Announcement	11/03/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB55

14. 1990 CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: Legislation requires that 1990-crop honey be supported at 95 percent of the 1989 level, or $0.5402 per pound. This price support level must be further reduced by $0.0025 per pound under the provisions of the Omnibus Budget Reconciliation Act of 1987. Legislation also provides the Secretary with the discretion to allow loan repayment at a rate below the support level. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of U.S. honey in domestic and export markets. Determinations to be made are (1) the type of support to offer (loans, purchases, or loans and purchases), and (2) implementation of the lower repayment provision. Federal outlays are expected to be less than $60 million if the lower repayment provision is adopted.

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11415
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB60

15. 1990 CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec 314; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: Final, Statutory, February 1, 1990.

Abstract: Burley marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), plus discretion to limit any increase to 65 percent of the formula increase. Federal net outlays for the 1990-crop burley tobacco program are expected to be approximately $35 million in FY 1990. These outlays will be offset by receipts in FY 1991.

Timetable:

Action	Date	FR Cite
Announcement	02/01/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB61

16. 1990 CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; Agricultural Adjustment Act of 1938, Sec 314, as amended; 7 USC 1445; Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: Flue-cured tobacco marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. The 1990-crop flue-cured tobacco program is expected to result in net Federal receipts of approximately $80 million in FY 1990.

Timetable:

Action	Date	FR Cite
Announcement	12/15/89	
Final Action	04/00/90	

Small Entities Affected: None

USDA—ASCS **Final Rule Stage**

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box, 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB62

17. 1990 CROP NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; Agricultural Act of 1949, Sec 108.13, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1990.

Abstract: The objective of this action is to support farm income and stabilize prices. The action is required by legislation. It provides a formula for calculating the loan rate for quota peanuts and guidelines for establishing the loan rate for additional peanuts. A determination must also be made on the sales price for export edible additional peanuts.

Timetable:

Action	Date	FR Cite
Announcement	02/15/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB63

18. 1990 PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: None

Abstract: To stabilize prices for five kinds of tobacco and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower the price support level at the request of producer associations. Increases may be limited to 65 percent of the formula increase. This price support program is expected to result in net Federal receipts of approximately $16 million in FY 1990.

Timetable:

Action	Date	FR Cite
Announcement	03/06/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB64

19. 1990 CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Adjustment Act of 1938, Sec 312, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1990.

Abstract: Marketing quotas and acreage allotments are required by legislation for these five kinds of tobacco. The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield optimal supplies.

The marketing quota and allotment program is expected to result in net Federal receipts of approximately $15 million in FY 1990.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4460
NPRM	02/08/90	55 FR 4461
Announcement	03/06/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB65

20. 1991 CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec. 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1990.

Abstract: The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB66

21. 1990 SOYBEAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949 as amended, Sec.201

CFR Citation: 7 CFR 1421.365-374

Legal Deadline: Final, Statutory, October 1, 1990.

Abstract: To assure sufficient supplies of soybeans for domestic and export

use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. Determinations to be made are (1) loan and purchase rate, and (2) whether to implement a marketing loan program. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/28/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AB67

22. 1990 CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Act of 1949, as amended, Sec.201 and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: To set forth (1) loan rates applicable to 1990-crop sugar beets and sugarcane, and (2) the 1990-crop minimum price support levels processors are required to pay growers. The minimum national average loan rate is set by statue at $0.18/lb. for sugarcane with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AB68

23. 1990 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS

Legal Authority: 15 USC 714b and c; Commodity Credit Corporation Charter Act, Sec. 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: This action will incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1990 that are approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	07/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AB69

24. 1990 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS (EXCEPT PUERTO-RICAN CIGAR FILLER)

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec. 314

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rates for all kinds of tobacco subject to quotas (except Puerto-Rican Cigar Filler) for the 1990 marketing year. Legislation provides that the penalty shall be 75 percent of the previous year's average marketing price. Tobacco producers, warehousemen, and dealers need to be advised of the penalty rates prior to the beginning of the marketing year (July 1, 1990 for flue-cured).

Timetable:

Action	Date	FR Cite
Final Action	06/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington DC 20013, **202 475-3646**

RIN: 0560–AB70

25. ● 1991 CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec. 314; 7 USC 1445; The Agricultural Act of 1949, as amended, Sec. 106

CFR Citation: None

Legal Deadline: Final, Statutory, February 1, 1991.

Abstract: Burley marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturer's intentions to purchase tobacco, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price level is based on a formula that weighs average market prices (2/3) and changes in cost of production (1/3), plus discretion to limit any increase to 65 percent of the formula increase. The expected cost to USDA is about $2 million.

Timetable:

Action	Date	FR Cite
Final Action	02/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box

USDA—ASCS **Final Rule Stage**

2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB74

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26. ● 1991 CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; Agricultural Adjustment Act of 1938, as amended, Sec. 314; 7 USC 1445; Agricultural Act of 1949, as amended, Sec. 106

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1990.

Abstract: Flue-cured tobacco marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturer's intentions to purchase tobacco, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and changes in cost of production (1/3), with discretion to limit any increase to 65 percent of the formula increase. A net receipt of $11 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB75

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27. ● 1991 CROP PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Legal Authority: 7 USC 1445; Agricultural Act of 1949, as amended, Sec. 106

CFR Citation: None

Legal Deadline: None

Abstract: Price Support is required by legislation for Virginia fire-cured, Kentucky-Tennessee fire-cured, Kentucky-Tennessee dark air-cured, Virginia sun-cured, Cigar filler and binder and Puerto Rican filler tobacco. To stabilize tobacco prices and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower price support levels at the request of producer associations. Increases may be limited to 65 percent of the formula increase. A net receipt of $6.6 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	04/12/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB76

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28. ● 1991 CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1312; The Agricultural Adjustment Act of 1938, as amended, Sec. 312

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1991.

Abstract: Marketing quotas and acreage allotments are required by legislation for Virginia Fire-cured, Kentucky-Tennessee Fire- cured, Kentucky-Tennessee Dark Air-cured, Virginia Sun-cured, and Cigar filler and binder. The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. A net receipt of $7 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	03/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB77

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29. ● 1990 MARKETING YEAR PENALTY RATE FOR PUERTO RICAN CIGAR-FILLER TOBACCO

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec. 312

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rates for overmarketing Puerto Rican Cigar-Filler Tobacco for the 1990 marketing year. Legislation provides that the penalty rate shall be 75 percent of the previous year's average marketing price. Tobacco producers and dealers need to be advised of the penalty rate prior to the beginning of the marketing year.

Timetable:

Action	Date	FR Cite
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB78

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30. ● 1991 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS

Legal Authority: 7 USC 714b to 714c; Commodity Credit Corporation Charter Act, Sec. 4-5

CFR Citation: 07 CFR 1427

Legal Deadline: None

Abstract: To incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1991 that were approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC.

USDA—ASCS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	07/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC20013, 202 475-4636

RIN: 0560–AB80

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

31. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

CFR Citation: 7 CFR 1403

Completed:

Reason	Date	FR Cite
Final Action	12/22/89	54 FR 52876

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA38

32. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	10/05/89	54 FR 41043

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA74

33. 1990 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	02/13/90	55 FR 5033
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB43

34. PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 1)

CFR Citation: 7 CFR 1446

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 01383

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB47

35. 1989 SOYBEAN PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 1421.365 to 1421.374

Completed:

Reason	Date	FR Cite
Final Action	11/06/89	54 FR 46637

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB48

36. 1990 FEED GRAIN PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794; 7 CFR 795; 7 CFR 796; 7 CFR 1421.734

Completed:

Reason	Date	FR Cite
Final Action	03/08/90	55 FR 8500
Final Action Effective	03/07/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB56

37. 1990 MILK PRICE SUPPORT PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Final Action	01/05/90	55 FR 00450

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB59

38. 1989 MARKETING YEAR PENALTY RATE FOR PUERTO-RICAN CIGAR-FILLER TOBACCO

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	11/21/89	54 FR 48121

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB71

39. CROP YEARS 1989 AND 1990 SHRINK ADJUSTMENT FOR ADDITIONAL PEANUTS

CFR Citation: 7 CFR 1446

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 01385

Small Entities Affected: None

Government Levels Affected: None

USDA—ASCS

Completed Actions

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB72

BILLING CODE 3410-05-T

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

40. ● NOTICE OF INTENT TO REGULATE HORSES AND FARM ANIMALS AND ACTIVITIES INVOLVING THESE ANIMALS UNDER THE ANIMAL WELFARE ACT, ADVANCE NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: 7 USC 2131 to 2157

CFR Citation: 9 CFR 1; 9 CFR 2; 9 CFR 3

Legal Deadline: None

Abstract: The Department is authorized to regulate the treatment of certain horses and other farm animals under the Animal Welfare Act (the Act). Under the Act, the Department is authorized to regulate the treatment of horses used for research purposes, and is authorized to regulate the treatment of other farm animals, unless those animals are used or intended for use as food or fiber, for breeding management or production efficiency, or for improving the quality of food fiber. As a matter of policy, however, the Department has not been regulating such horses and other farm animals. However, because of the increasing use of these animals for research purposes, the Department is giving notice of its intent to regulate such animals, and is requesting comments on standards to be developed for the inclusion of these animals under the regulations. These actions will help ensure that the animals are treated humanely, in accord with the Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/05/90	55 FR 12667
ANPRM Comment Period End	06/04/90	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **303 436-8682**

RIN: 0579–AA31

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

41. IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS- PHASE I

Significance: Agency Priority

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles. These revisions will allow the importation of certain living plants and related articles under appropriate regulatory controls, and will prohibit the importation of other living plants and related articles.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Public Hearing	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Port Operations Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 632, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8645**

RIN: 0579–AA21

42. EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSCITTACOSIS AND ORNITHOSIS IN POULTRY

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and pscittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

USDA—APHIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. A. Mixson, Chief Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 747, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8073**

RIN: 0579–AA22

43. REVISION OF 7 CFR 319.56, IMPORTATION OF FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.56

Legal Deadline: None

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, APHIS is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	
Public Hearing Discussing Issues raised in NPRM	02/14/91	
NPRM Comment Period End	03/31/91	
Final Action	09/30/91	
Final Action Effective	10/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 632 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8393**

RIN: 0579–AA23

44. ANIMALS DESTROYED BECAUSE OF SCRAPIE

Significance: Regulatory Program

Legal Authority: 21 USC 111; 21 USC 114; 21 USC 114a; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134e; 21 USC 134f; 21 USC 134g; 21 USC 134h

CFR Citation: 9 CFR 54

Legal Deadline: None

Abstract: Under the Scrapie Eradication Program and the regulations in 9 CFR Part 54, indemnity for an animal destroyed because of scrapie, a highly transmissible and fatal disease of the central nervous system of sheep and goats, is paid to its owner at fair market value, not to exceed $300 per head. Under the present program, indemnities are paid for affected and bloodline animals only. There is no diagnostic test for the disease and no treatment. The existing Scrapie Eradication Program is not federally mandated and depends upon state efforts and funds, industry cooperation, and reporting by flock owners. APHIS is considering the regulatory option of negotiated rulemaking in order to develop a program which will satisfy animal health needs, industry needs, and State and Federal governmental needs.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/88	53 FR 44200
ANPRM Comment Period End	03/06/89	
NPRM	07/13/89	54 FR 29576
Notice-Intent to Form Advisory Committee Negotiated Rulemaking	02/26/90	55 FR 6662

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Chester A. Gipson, Senior Staff Veterinarian, Veterinary Services, Department of Agriculture, Animal and Plant Health Inspection Service, Room 770, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7679**

RIN: 0579–AA24

45. IMPORTED FIRE ANT

Significance: Regulatory Program

Legal Authority: 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 161 to 162; 7 USC 164 to 167

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: The Department is proposing to revise "Subpart--Imported Fire Ant," which contains quarantine and interstate movement regulations for the containment and control of this destructive plant pest. Executive Order 12291 and Department Regulation 1512-1 require that agencies initiate reviews of currently effective rules to bring about the goal of reduction of regulatory burdens and to minimize impacts on small entities. The proposed rule is part of the scheduled review of "Subpart--Imported Fire Ant" to meet regulatory review requirements. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the interstate spread of the imported fire ant.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mike Stefan, Assistant Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 661 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6365**

RIN: 0579–AA25

46. ● IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—COMMUNICABLE ANIMAL DISEASES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of certain animals and animal products to prevent the introduction of communicable animal diseases into the United States. With certain exceptions, most animals imported into the United States must be quarantined upon arrival at facilities operated by the Federal Government; only sheep, birds, and horses may be quarantined in privately-operated facilities. Some importers have expressed interest, however, in importing ruminants and swine, other than sheep, in greater numbers per shipment than can be handled at existing Federal facilities. The Department is considering amending the regulations to allow all species of domesticated ruminants and swine, from countries free of certain serious diseases, to be quarantined upon arrival in the United States at privately operated facilities.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Sam Richeson**, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8144**

RIN: 0579–AA28

47. ● CITRUS CANKER

Significance: Agency Priority

Legal Authority: 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 161; 7 USC 162; 7 USC 164 to 167

CFR Citation: 7 CFR 301.75

Legal Deadline: None

Abstract: Under the current regulations, the entire State of Florida is under quarantine because of citrus canker, a bacterial disease of citrus and citrus relatives. The regulations were established in 1984, after what was thought to be a previously undescribed strain of the bacterium that causes citrus canker was found at several plant nurseries in Florida. In 1986 the Asiatic strain of citrus canker a known aggressive strain also was detected in the State. The regulations restrict the interstate movement of citrus plants and fruit from Florida to prevent the spread of citrus canker to other citrus-producing areas of the United States. Over the past several years, research and experience in the field have shown that the Florida nursery strain is not citrus canker, and further, does not appear to be a dangerous plant disease. The regulations need to be revised to remove restrictions related to the Florida nursery strain. The Department also is considering reducing the area of Florida under quarantine to the part of the State affected by the Asiatic strains. The actions would relieve restrictions on the interstate movement of citrus from most of Florida.

Timetable:

Action	Date	FR Cite
NPRM	03/27/90	55 FR 11209
Public Hearing Discussing the issues raised in the NPRM	04/25/90	
NPRM Comment Period End	05/29/90	
Final Action	08/30/90	
Final Action Effective	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Eddie W. Elder**, Chief Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6365**

RIN: 0579–AA29

48. ● HORSE PROTECTION INSPECTION GUIDELINES

Significance: Agency Priority

Legal Authority: 15 USC 1823 to 1825; 15 USC 1828; 44 USC 3506

CFR Citation: 9 CFR 11

Legal Deadline: None

Abstract: Horses whose treatment is regulated under the Horse Protection Act are subject to inspection by licensed Designated Qualified Persons (DQP's). As part of the licensing process, DQP's are trained in procedures for examining a horse prior to exhibition. However, the regulations in 9 CFR Part 11 do not contain detailed procedures for conducting inspections. In order to ensure a uniform and adequate inspection of all horses examined by DQP's, the Department is proposing to add such detailed procedures to the regulations. Setting forth these procedures will enable DQP's to better protect horses through more thorough and uniform inspections.

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11385
NPRM Comment Period End	04/27/90	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: **Helene R. Wright**, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8682**

RIN: 0579–AA32

49. ● NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 4321

CFR Citation: 7 CFR 372 (New)

Legal Deadline: None

Abstract: The National Environmental Policy Act (NEPA) (42 USC 4321, et. seq.) and the regulations promulgated by the Council on Environmental Quality (CEQ) (40 CFR 1500 et. seq.) require that every Federal Agency establish procedures to implement NEPA. The proposed APHIS NEPA Implementing Regulations have been developed to ensured compliance with NEPA and are consistent with the Regulations of CEQ for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1509) and the USDA Regulations for Implementing NEPA (7

CFR lb). These Agency-specific regulations will enable APHIS decision makers to reach decisions in which environmental concerns are fully reviewed and will ensure timely public involvement in the NEPA process. The regulations will identify Agency actions, requirements, guidance, and references for completion of environmental assessments, and environmental reviews. The new APHIS NEPA Implementing Regulations will supersede the previous issues, APHIS Guidelines for Implementing NEPA Procedures (44 FR 50381-50384 and 44 FR 51272-51274), upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Werner, Deputy Director, Environmental Documentation, Department of Agriculture, Animal and Plant Health Inspection Service, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8565

RIN: 0579–AA33

50. ● CYCLICAL REVIEW OF 9 CFR PART 92, PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102; 21 USC 103; 21 USC 104; 21 USC 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department intends to reorganize and revise the regulations in 9 CFR Part 92, which, among other things, govern the importation into the United States of certain animals and poultry, and certain animal and poultry products. Executive Order 12291 and Departmental Regulation 1512-1 require that agencies periodically review current regulations. The Cyclical Review of Part 92 is such a review. Reorganizing and revising the regulations in Part 92 would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the introduction into the United States of various diseases of livestock and poultry.

The Department is conducting this Cyclical Review in several phases. Phase II is a revision of a portion of the existing regulations. Later phases will consist of revisions of other portions of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/91	
NPRM Comment Period End	04/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8682

RIN: 0579–AA34

51. ● IMPORTATION OF CERTAIN ANIMAL EMBRYOS

Significance: Agency Priority

Legal Authority: 21 USC 103; 21 USC 104; 21 USC 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f

CFR Citation: 9 CFR 98

Legal Deadline: None

Abstract: The Department regulates the importation of certain animals, animal products, and animal embryos, to prevent the introduction of communicable animal diseases into the United States. Under the current regulations, cattle embryos may not be imported into the United States from countries where rinderpest or foot-and-mouth disease exists. This limits the importation of cattle germplasm to live animals and semen. Live cattle from countries where rinderpest or foot-and-mouth disease exist may be imported through the Harry S. Truman Animal Import Center; importations of animal semen do not provide complete genetics. The Department is considering amending the regulations to establish conditions under which cattle embryos could be imported from countries where rinderpest or foot-and-mouth disease exists.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	09/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Herrick, Chief Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8590

RIN: 0579–AA35

52. ● IMPORTATION OF HORSES FROM COUNTRIES AFFECTED WITH CONTAGIOUS EQUINE METRITIS

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The regulations covering importation of horses from countries affected with Contagious Equine Metritis (CEM) contain requirements for testing and treating horses in the country of origin. Some of the requirements are duplicative of requirements in the United States. Also, the removal of the clitoral sinuses, required of some mares in the country of origin, could be done in the United States without increasing disease risks. The Department is proposing to amend the regulations to eliminate unnecessary testing and treatment in the country of origin and to allow clitoral sinusectomies to be carried out in the United States. These amendments would eliminate unnecessary restrictions from the regulations, while continuing to ensure that CEM is not introduced into the United States. Also, the regulations do not provide criteria for the approval of laboratories in the United States for CEM culturing and testing. The Department is proposing to add such criteria. Such criteria would help ensure

that CEM culturing and testing in the United States is being done accurately.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Roda, Hyattsville, MD 20782, 301 436-8682

RIN: 0579–AA36

53. ● HONEYBEES AND HONEYBEE SEMEN; REMOVING CERTAIN RESTRICTIONS ON HONEYBEES AND HONEYBEE SEMEN FROM NEW ZEALAND

Significance: Agency Priority

Legal Authority: 7 USC 281

CFR Citation: 7 CFR 322

Legal Deadline: None

Abstract: The regulations governing the importation into the United States of honeybees and honeybee semen, set forth the criteria for determining which countries may import honeybees and honeybee semen and under what conditions. This change will allow the importation of honeybees and honeybee semen from New Zealand, for other than research purposes, if accompanied by a certificate of origin.

Timetable:

Action	Date	FR Cite
NPRM	02/06/90	55 FR 3968
Extension of Comment Period	03/02/90	55 FR 7499
NPRM Comment Period End	04/02/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Philip J. Lima, Staff Specialist, Department of Agriculture, Animal and Plant Health Inspection Service, Room 624, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8677

RIN: 0579–AA37

54. ● GYPSY MOTH

Significance: Agency Priority

Legal Authority: 7 USC 150(dd) to 150(ff); 7 USC 161; 7 USC 162; 7 USC 164 to 167; 7 USC 150(bb)

CFR Citation: 7 CFR 301.45

Legal Deadline: None

Abstract: Current regulations quarantine certain States to control Gypsy Moth, establish high-risk and low-risk regulated areas within those States, and restrict the interstate movement of regulated articles and outdoor household articles from regulated areas. Plant Protection and Quarantine is developing new definitions and restrictions for these areas and articles to more effectively control Gypsy Moth.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Flanigan, Operations Officer, Operational Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8247

RIN: 0579–AA39

55. ● RUMINANTS AND SWINE IMPORTED FROM FOOT-AND-MOUTH-DISEASE COUNTRIES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: Current regulations prohibit, with certain limited exceptions, the importation of ruminants and swine from countries where foot-and-mouth disease (FMD) exists. However, the regulations are unclear with respect to the application of this prohibition to animals that originate in an FMD country but are moved to a FMD-free country and are then offered for importation into the United States. Veterinary Services is developing regulations to clarify import restrictions for these situations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Richeson, Senior Staff Veterinarian, Import-Export Products Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 759, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8144

RIN: 0579–AA40

56. ● IMPORTATION OF NURSERY STOCK PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS - PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases. Plant Protection and Quarantine prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. Plant Protection and Quarantine is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles including imported plants established in growing media.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

USDA—APHIS **Proposed Rule Stage**

Agency Contact: Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8645**

RIN: 0579–AA41

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)

57. ANIMAL WELFARE REGULATIONS; STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 2131; 7 USC 2132; 7 USC 2133; 7 USC 2134; 7 USC 2135; 7 USC 2136; 7 USC 2137; 7 USC 2138; 7 USC 2139; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2145

CFR Citation: 9 CFR 3.1 to 3.17, (Revision); 9 CFR 3.25 to 3.41, (Revision); 9 CFR 3.75 to 3.91, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131 et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. APHIS is proposing to amend, revise, and expand the "Standards" relating to dogs and cats, guinea pigs and hamsters, and nonhuman primates, and will include provisions for exercise of dogs and for promoting the psychological well-being of primates.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10897
NPRM Comment Period End	07/13/89	
Final Action Standards in Subparts B and C	04/15/90	
Revised 2nd Proposed Rulemaking Standards in Subparts A and D	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Morley Cook, Associate Deputy Administrator, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 206, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6491**

RIN: 0579–AA20

58. ● CYCLICAL REVIEW OF 9 CFR PART 92, PHASE I

Significance: Regulatory Program

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102; 21 USC 103; 21 USC 104; 21 USC 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department intends to reorganize and revise the regulations in 9 CFR Part 92, which, among other things, governs the importation into the United States of certain animals and poultry and certain animal and poultry products. Executive Order 12291 and Department Regulation 1512-1 require that agencies periodically review current regulations. The Cyclical Review of Part 92 is such a review. Reorganization and revising the regulations in Part 92 would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the introduction into the United States of various diseases of livestock and poultry. The Department is conducting this Cyclical Review in several phases. Phase I is a reorganization of the existing regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8682**

RIN: 0579–AA30

59. ● IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—PREVENTION OF POULTRY DISEASES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of poultry and poultry products, including eggs for hatching, to prevent the introduction of certain poultry diseases into the United States. These regulations need to be revised to add restrictions to prevent the introduction of Salmonella enteritidis, serotype enteritidis, phage-type 4 (referred to below as S. enteritidis, phage-type 4), a virulent type of Salmonella that has not been detected in poultry flocks in the United States. Canada is the only country other than the United States in which poultry flocks are recognized as being free of S. enteritidis, phage-type 4. Because poultry and poultry eggs for hatching are being imported from countries where this organism is considered to exist, the Department needs to take prompt action to prevent its introduction into the United States. Safeguards under consideration include testing of individual poultry of the flock of origin in the country of origin, and testing and inspection during quarantine in the United States.

USDA—APHIS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/90	
Close of Comment Period Interim Rule	08/15/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Keith Hand, Senior Staff Veterinarian, Import-Export Animal Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 830, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8172

RIN: 0579–AA38

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Completed Actions

60. PROCEDURES FOR IMPORTING ANIMALS THROUGH THE HARRY S. TRUMAN ANIMAL IMPORT CENTER; APPROVAL OF EMBARKATION QUARANTINE FACILITIES

Significance: Agency Priority

CFR Citation: 9 CFR 92

Completed:

Reason	Date	FR Cite
Final Action	02/23/90	55 FR 6358
Final Action Effective	03/26/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harvey Kryder 301 436-5256

RIN: 0579–AA26

61. SWINE IDENTIFICATION

Significance: Agency Priority

CFR Citation: 9 CFR 71; 9 CFR 78

Completed:

Reason	Date	FR Cite
Final Action	03/27/90	55 FR 11154
Final Action Effective	04/26/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James Davis 301 436-5533

RIN: 0579–AA27

BILLING CODE 3410-34-T

DEPARTMENT OF AGRICULTURE (USDA)
Cooperative State Research Service (CSRS)

Proposed Rule Stage

62. USDA GUIDELINES FOR RESEARCH WITH GENETICALLY MODIFIED ORGANISMS OUTSIDE CONTAINED FACILITIES

Significance: Regulatory Program

Legal Authority: PL 99-198 Food Security Act of 1985; 7 USC 450(h); 7 USC 3121(12); National Agr. Research Ext. and Teaching Policy Act of 1977; Sec 1405(12) as amended

CFR Citation: 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12); 7 CFR 1b; 7 CFR 2.30(e)

Legal Deadline: None

Abstract: USDA/CSRS is in the process of developing Guidelines for Research with Genetically Modified Organisms Outside Contained Facilities. The agency regards this as a major Federal action and it is considering the development of an environmental impact statement (EIS) for the action. A timetable for the EIS has not been completed.

Agricultural field tests of biotechnology modified organisms may have potential impacts on the environment. Public hearings and document availabilities related to the EIS will be announced in the Federal Register.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alvin Young, Director, Office of Agriculture Technology, Department of Agriculture, Cooperative State Research Service, Room 321-A, 14th and Independence Ave., SW., Washington, DC 20250, 202 447-9165

RIN: 0524–AA00

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Farmers Home Administration (FmHA)

63. PROPERTY MANAGEMENT

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1955

Legal Deadline: None

Abstract: Create a new Subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing Subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement. Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed as has frequently been the case.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	
NPRM Comment Period End	06/01/90	
Final Action	10/01/90	
Final Action Effective	11/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Action on this project was effectively paralyzed during calendar year 1988 by extensive changes by Farmer Programs pursuant to the Agriculture Act of 1987.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA03

64. HOUSING PRESERVATION GRANTS

Legal Authority: 42 USC 1490 (m)

CFR Citation: 7 CFR 1944, Subpart N

Legal Deadline: None

Abstract: Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	
NPRM Comment Period End	06/01/90	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA18

65. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

Action	Date	FR Cite
NPRM	06/12/90	
NPRM Comment Period End	07/14/90	
Final Action	12/29/90	
Final Action Effective	01/29/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA29

66. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-A

Legal Deadline: None

Abstract: Address and clarify items to improve program (child support, unemployment compensation, etc.). Revise cost containment.

Timetable:

Action	Date	FR Cite
NPRM	05/31/90	
NPRM Comment Period End	07/31/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA35

67. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1965; 7 CFR 1956, Subpart-B

Legal Deadline: None

Abstract: This regulation is being revised to provide clarification on the processing differences between membership changes and transfers, to broaden the ability to consolidate and reamortize loans, to clarify actions to be taken during a bankruptcy, and to clarify and discuss the classification of problem loans and their resolution, along with other minor revisions. These revisions are needed so as to provide

more complete guidance to field staff and borrowers on the topics discussed above. Potential costs consist of administrative time involved with Agency personnel drafting and completing regulation. No alternatives were identified as being appropriate to address the several problems being corrected with this regulation. Regulations to broaden the ability to consolidate and reamortize loans were issued for prior rulemaking (FR Vol. 54 Nbr. 248) on December 28, 1989 with public comments accepted through February 26, 1990. Regulations governing multi-housing debt settlements were published for prior rulemaking (FR Vol. 54 Nbr. 133) on July 18, 1989 and the public comment period has closed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA38

68. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA39

69. COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None

Abstract: Clarify handling of construction defect complaints on newly constructed homes and provide for handling of construction defect complaints on manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	08/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA41

70. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for change in definition of delinquent account and certain other changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA42

71. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes. Alternatives were to not revise or only incorporate some changes.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA49

72. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1806

Legal Deadline: None

Abstract: To update and clarify insurance requirements for FmHA owners.

Timetable:

Action	Date	FR Cite
NPRM	02/28/91	
NPRM Comment Period End	04/28/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South

USDA—FmHA

Proposed Rule Stage

Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA53

73. SECURITY SERVICING FOR SINGLE FAMILY RURAL HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for the implementation of escrow services for SFH loan accounts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA54

74. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Significance: Agency Priority

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951, Subpart G

Legal Deadline: None

Abstract: Provide for escrowing and the application of payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA55

75. SECONDARY MARKET FOR FARMER PROGRAM LOANS

Significance: Regulatory Program

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Devel. Act (amendment); PL 100-233 Sec 711 Agricultural Credit Act of 1987

CFR Citation: 7 CFR 1980

Legal Deadline: Final, Statutory, July 6, 1988.
PL 100-233, Sec 711, states: "Within 180 days after the date of the enactment of this Act, the Secretary shall develop and promulgate final regulations to implement this section (cont)

Abstract: Legislation mandates that the Secretary develop procedures to facilitate, administrate and promote secondary market operations for FmHA guaranteed farm loans. It is suggested that the Secretary, directly or through a market maker, provide for the pooling of guaranteed loans and the issuance and sale of certificates backed by those loan pools. Through this procedure, secondary market activities could be promoted and expanded, thereby increasing the supply of loan money in rural areas -- allowing rural banks to increase their lending activity to farmers, rural businessmen and residents. Obtaining the services of a private agent to act as a central registry and fiscal agent -- coordinating fund flows from lenders to pool investors; handling pool formations and executions, issuance and ownership of pool shares, and monitoring of loan payments -- is the favored alternative expected to successfully meet the legislative mandate. FmHA would act as the facilitator, arranging for the creation of this private market activity, (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: ABSTRACT CONT: funding the agent. Another alternative considered is establishing an in-house capability to track the sale of guaranteed loans and transfer payments as required, but this option would require substantial personnel and other Agency resources and would prove extremely expensive.

LEGAL DEADLINE CONT: and the Amendment made by this section."

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA59

76. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1944, Subpart D

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing regulations. This action is in response to the general public and FmHA staff requests for clarification of the Farm Labor Housing regulations. The intended effect is to provide more comprehensive guidance to applicants when applying for farm labor housing loans and grants: (1) make certain paragraphs consistent with other related parts and other housing regulations; (2) redefine terminology to ensure appropriate implementation of program eligibility standards; (3) incorporate provision of the Housing and Urban Recovery Act of 1983; housing amendments of 1984, 85 and 86; and (4) provide direction to FmHA State and District Office personnel through separate processing instructions.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/30/90	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of

Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA60

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77. CHANGES TO FARMERS HOME ADMINISTRATION (FMHA) GUARANTEED LOAN MAKING AND SERVICING REGULATIONS AS A RESULT OF A STUDY OF THE PROGRAM REQUESTED BY OMB

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: This revision will propose changes as deemed appropriate as a result of the study to be made which was recommended by OMB recently. Potential costs and benefits will not be known until the recommendations have been made and a criterion of changes established.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA66

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78. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS —PROCESSING PREAPPLICATIONS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E

Legal Deadline: None

Abstract: Revise and simplify the manner in which Multifamily Housing preapplications are rated, ranked, and funded.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA67

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79. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED - MULTIPLE FAMILY HOUSING

Legal Authority: 42 USC 1480; 42 USC 2,942

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: General revision to keep the regulation current with the clarification of policy and incorporation of changes regarding automated processing of payments. The alternative was to not make the revision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Farmers Home Administration, USDA, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA69

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80. APPRAISAL OF RURAL RENTAL HOUSING PROPERTIES

Significance: Agency Priority

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1922

Legal Deadline: None

Abstract: Revise regulations on appraising Rural Rental Housing Property.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	04/01/90	
Final Action	10/01/90	
Final Action Effective	11/01/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Farmers Home Administration, USDA, Room 6348-South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA71

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81. COMMUNITY PROGRAMS GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; EO 12291

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Proposed legislation H.R. 2883 relating to Rural Development, Agriculture, and Related Agencies Appropriations Bill 1990 provides for guaranteed community facilities and water and waste disposal loan authorities for fiscal year 1990. Farmers Home Administration proposes to develop and implement a new Community Guaranteed Loan Program regulation utilizing guidelines established by community programs for loanmaking and loan servicing.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	12/15/89	
NPRM	04/01/90	
NPRM Comment Period End	06/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

USDA—FmHA **Proposed Rule Stage**

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Building, Washington DC 20250, 202 382-9744

RIN: 0575–AA72

82. ● RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS 1944-E

Significance: Regulatory Program

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944-E; 7 CFR 1944-D; 7 CFR 1910-A; 7 CFR 1940-L

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: Implement the rural housing provisions of the HUD Reform Act of 1989, which relate to application procedures, award selection criteria and the funding formula.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA73

83. ● RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS 1944-E

Significance: Regulatory Program

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 D and E

Legal Deadline: None

Abstract: To incorporate within the rural rental housing regulations, a provision for a cooperative effort between HUD and FmHA when proposing to authorize funding for rental housing in the same market area.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
NPRM Comment Period End	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA75

84. ● APPRAISAL OF REAL ESTATE SECURITY FOR RENTAL, COOPERATIVE AND LABOR HOUSING LOANS

Significance: Regulatory Program

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1922-B; 7 CFR 1944-D; 7 CFR 1944-E

Legal Deadline: None

Abstract: Total revision of Instruction 1922-B, in order to provide comprehensive guidance to contract appraisers and field FmHA review appraisers when conducting appraisals of multi family housing to be financed with rural rental housing or labor housing funds.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	
NPRM Comment Period End	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA76

85. ● RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS 1944-E

Significance: Regulatory Program

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944-D; 7 CFR 1944-E; 7 CFR 1910-A; 7 CFR 1940-L; 7 CFR 1930-C; 7 CFR 1965-B

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: To implement provisions of the HUD Reform Act of 1989 that relate to rural housing specifically establishment of a reserve fund for equity loans, prepayment of rural housing loans, etc.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	04/10/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington,. D. C. 20250, 202 382-9744

RIN: 0575–AA77

86. ● RURAL HOUSING PROGRAM LOANS

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 7 USC 1480; 7 USC 301

CFR Citation: 7 CFR 1980 Subpart D; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Revise existing Guaranteed Loan Regulations to provide for a subsidized guaranteed loan program for low-income borrowers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA78

87. ● RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS, 1944-E OR (ACCOUNTABILITY IN FUNDING RURAL HOUSING PROGRAM AWARDS OR ASSISTANCE)

Significance: Regulatory Program

Legal Authority: 42 USC 1285

USDA—FmHA **Proposed Rule Stage**

CFR Citation: 7 CFR 1944-D; 7 CFR 1944-E; 7 CFR 1910-A; 7 CFR 1930-C; 7 CFR 1940-L; 7 CFR 1944-I; 7 CFR 1944-N

Legal Deadline: Final, Statutory, June 15, 1990.

Abstract: To implement that portion of the HUD Reform Act of 1989 which deals with accountability in the award of federal assistance.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA79

88. ● RURAL RENTAL HOUSING DISPLACEMENT PREVENTION

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 USC 1989

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1951; 7 CFR 1955; 7 CFR 1965 (new)

Legal Deadline: None

Abstract: Interim rule was promulgated in response to Tenant Displacement Prevention Provisions of Housing and Community Development Act of 1987. Comments to the interim rule were so extensive, an entirely new regulation (1965-E) is being written to deal with prepayment and tenant displacement. There will be conforming and parallel changes in other regulations. The legislation is complex but no alternatives to this regulation are possible.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA82

89. ● CIVIL RIGHTS COMPLIANCE REQUIREMENTS - 1940-D

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1840; 5 USC 301; 16 USC 3844; 40 USC 442; 42 USC 2942; EO 11246

CFR Citation: 7 CFR 15; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA), Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act), Title VI of the Civil Rights Act of 1964 (Title VI) Section 504 of the Rehabilitation Act of 1973 (Section 504), The Age Discrimination Act of 1975, and Executive Order 11246.

The revised regulations will provide detailed guidelines for field officers for improved enforcement and compliance with these laws which heavily impact FmHA's programs. Mechanisms for monitoring compliance by field officers and recipients of FmHA's financial assistance at all levels will decrease the Agency's vulnerability due to noncompliance with recently enacted civil rights legislation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA83

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Final Rule Stage

90. SELF-HELP TECHNICAL ASSISTANCE GRANTS

Legal Authority: 7 USC 1989; 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-I

Legal Deadline: None

Abstract: Complete revision to improve grantee's accounting responsibilities. No costs associated with action. Benefits reduce possibility of program fraud and abuse. Increase borrower's labor contribution.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17751
NPRM Comment Period End	06/26/89	54 FR 17751

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA34

91. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1944, Subpart-E

Legal Deadline: Final, Statutory, April 22, 1989.

Abstract: This revision implements Subtitle C, "Rural Rental Housing Displacement Prevention," of the

Housing and Community Development Act of 1987. Since this revision is mandated by legislation, alternatives were limited.

Timetable:

Action	Date	FR Cite
NPRM	04/22/88	53 FR 13244

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA51

92. CHANGES TO THE FARMERS HOME ADMINISTRATION (FMHA) FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT APPLICABLE PROVISIONS OF "THE AGRICULTURAL CREDIT ACT OF 1987"

Significance: Regulatory Program

Legal Authority: PL 100-233, Sec 601

CFR Citation: 7 CFR 1910, Subpart A; 7 CFR 1924, Subpart A; 7 CFR 1924, Subpart B; 7 CFR 1941, Subpart A; 7 CFR 1941, Subpart B; 7 CFR 1943, Subpart A; 7 CFR 1943, Subpart B; 7 CFR 1945, Subpart A; 7 CFR 1945, Subpart C; 7 CFR 1945, Subpart D; 7 CFR 1951, Subpart A; 7 CFR 1951, Subpart S (New)

Legal Deadline: Final, Statutory, June 3, 1988.

Abstract: Final revisions of the provisions to the Agriculture Credit Act of 1987 which was implemented 10/14/88.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/14/88	53 FR 35638
Interim Final Rule Comment Period End	11/14/88	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Avenue, Washington, DC 20250, 202 382-9744

RIN: 0575–AA56

93. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS —CONGREGATE HOUSING AND GROUP HOMES

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: To expand the existing authority for congregate housing and group homes in FmHA Instruction 1944-E.

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29901
NPRM Comment Period End	09/15/89	54 FR 29901
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA58

94. FARM LABOR LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATION

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1930 Subpart C; 7 CFR 1944 Subpart D

Legal Deadline: None

Abstract: Revision to incorporate provisions of Housing and Community Development Act of 1987 (PL 100-242) regarding the definition of "Domestic Farmworker," that determine the eligibility of such farmworkers to occupy housing financed under the Farm Labor Housing Program. Revisions also incorporate provisions of Omnibus McKinney Homeless Assistance Act of 1988 (PL 100-628) to permit other than farmworker occupancy when no demand by such persons.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	54 FR 14822
NPRM Comment Period End	06/12/89	54 FR 14822
Final Action	04/01/90	
Final Action Effective	05/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA62

95. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS—COOPERATIVE HOUSING LOANS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C; 7 CFR 1965 Subpart B; 7 CFR 1924 Subpart A

Legal Deadline: None

Abstract: To include provisions for Cooperative Housing Loans in the Rental Housing Regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21530
NPRM Comment Period End	07/18/89	54 FR 21530
Final Action	05/01/90	
Final Action Effective	06/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA63

USDA—FmHA

Final Rule Stage

96. PROCESSING AND SERVICING FMHA ASSISTANCE TO EMPLOYEES, RELATIVES AND ASSOCIATES

Legal Authority: 7 USC 1988, Sec 336b

CFR Citation: 7 CFR 1900 Subpart D

Legal Deadline: None

Abstract: FmHA Instruction 2045-BB, Employee Responsibilities and Conduct (available in any FmHA office), requires the maintenance of high standards of honesty, integrity, and impartiality by employees. Within the limitations of that instruction and specific program restrictions, FmHA employees, family members, close relatives and other associates are eligible to receive certain types of FmHA loan and grant assistance. To assure that employee conduct is above reproach, any processing, approval, servicing or review activity is conducted only by authorized FmHA employees who (1) are not themselves the recipient; (2) are not family members or close relatives of the recipient; (3) do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity; or (4) do have a business or close personal relationship with the recipient, the employee related to the recipient or the employee who would normally conduct the activity. Nothing in this instruction takes precedence over individual program requirements or restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	11/01/89	
Final Action	04/01/90	
Final Action Effective	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA64

97. DROUGHT AND DISASTER GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Development Act; PL 100-387 Disaster Assistance Act of 1988, Sec 331

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Sec. 331 of the Disaster Assistance Act of 1988 mandated that the Secretary of Agriculture guarantee loans made by private sector lenders to rural business entities which experienced losses or financial distress as the direct or indirect result of drought, hail, excessive moisture or related condition in 1988. The refinancing of existing loans is specified as an eligible purpose of such guaranteed loans. Farmers Home Administration modified its existing Business and Industrial (B&I) guaranteed loan program to implement the program mandated by the Disaster Assistance Act of 1988, using B&I rules as to eligibility, application, loan making, and loan servicing except where the statute requires otherwise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/89	54 FR 2
Final Action	06/09/90	
Final Action Effective	06/09/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA65

98. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

CFR Citation: 7 CFR 1900 Subpart B

Legal Deadline: Final, Statutory, July 1, 1987.
The Agency was required to implement the Act within 150 days of its enactment on January 6, 1988.

Abstract: The Agency proposes to amend FmHA instruction 1900-B, "Adverse Decisions and Administrative Appeals" to provide for multi-party appeal hearings for denials of leaseback/buyback and homestead protection rights and the sale of suitable farmland to eligible applicants. No other alternatives are available since this action is necessary as a result of Section 611 of the Agricultural Credit Act of 1987, and will be published as an interim rule with comment period.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Department of Agriculture, Farmers Home Administration Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA70

99. ● 1951-K ACCOUNT SERVICING AND COLLECTIONS

Significance: Regulatory Program

Legal Authority: PL 101-235, Sec 207

CFR Citation: 7 CFR 1951

Legal Deadline: NPRM, Statutory, June 15, 1990.

Abstract: Add a provision to the existing regulation to establish a "Special Reserve Account" for multiple family projects approved after July 1, 1990 (estimated date), which is to be collected, invested and administered by Farmers Home Administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/90	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home

USDA—FmHA **Final Rule Stage**

Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA74

100. ● FARMER PROGRAM LOANS

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: The problem is the need to reduce the Government's cost of providing financial assistance to Farmer Programs Borrowers. Lenders and Loan applicants prefer that applicants use the insured loan programs rather than the guaranteed programs due to the lower interest rates on insured loans. This regulation will provide for a government subsidy to lenders for interest rates for guaranteed Farmer Programs loans so the borrower will be paying interest rates for guaranteed loans that is similar to insured loans. This should provide an incentive for using the guaranteed loan program. The potential cost to the Government will be reduced as the Government will only pay a lender up to 90 percent of the losses on loans and only part of the interest rate rather than loaning a borrower the full amount of the loan and paying an investor the full cost of the Government borrowing the money for an insured loan. The benefit is that the borrower will be paying an interest rate for guaranteed loans that is comparable to that for insured loans the lender will receive the subsidy for the lower interest rate and the Government (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: will reduce the amount of money needed for the program. The alternative is to continue with the present program.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA80

101. ● CONSERVATION EASEMENTS ON INVENTORY PROPERTY

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1951; 7 CFR 1955

Legal Deadline: None

Abstract: Present regulations require the Agency to place conservation easements on inventory farm property. Previous owner and operators have the option of leasing back or buying back such property from inventory. They object to the placement of such easements. This regulation revision will allow these parties to lease or buy these properties back without the easements except for limited easements. There should be little cost involved for the Government as the value of the easement is reflected in the lease or sale value of the property. It is estimated that less than seven percent of the inventory farm property is involved. The benefit is that the previous owner/operator will receive the property back in a similar condition as when it was taken into inventory.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA81

102. ● EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

Significance: Agency Priority

Legal Authority: PL 101-82, Title V Disaster Assistance Act of 1989

CFR Citation: 7 CFR 1942-K

Legal Deadline: Final, Statutory, September 28, 1989.

Abstract: Establishes a grant program to assist rural communities that have had a significant decline in quantity or quality in their drinking water supply or their existing water system needs emergency repairs. The grant program will assist the residents of rural communities in obtaining adequate quantities of safe drinking water.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/90	
Final Action	07/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA84

103. ● DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES

Significance: Agency Priority

Legal Authority: 7 USC 1989 Consolidated Farm and Rural Development Act; PL 101-82, Sec 401

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Section 401 of the Disaster Assistance Act of 1989 mandated that the Secretary of Agriculture guarantee loans made or private sector lenders to rural businesses entities which experienced losses of financial distress as the direct or indirect result of drought, freeze, storm, earthquake, excessive moisture or related conditions occurring in 1988 or 1989. The refinancing of existing loans, hotels, motels, tourist and recreation facilities and certain agricultural production are eligible purposes for guaranteed loans. FmHA modified its existing Business and Industry (B & I) guaranteed loan program to implement the Disaster Assistance Act of 1989, using B & I rules as to eligibility, application, loan making and loan servicing except where the statute requires otherwise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/90	54 FR 136
Final Action Effective	04/00/90	

USDA—FmHA **Final Rule Stage**

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6438 South Building, Washington, D. C. 20250, 202 382-9744

RIN: 0575–AA85

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

104. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS

CFR Citation: 7 CFR 1930, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	10/25/89	54 FR 43415
Final Action Effective	11/24/89	54 FR 43415

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA20

105. RURAL HOUSING PROGRAM LOANS

CFR Citation: 7 CFR 1980, Subpart A; 7 CFR 1980, Subpart D

Completed:

Reason	Date	FR Cite
Canceled - reproposed under RIN 0575-AA78	02/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA48

106. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS

Significance: Agency Priority

CFR Citation: 7 CFR 1900 Subpart B

Completed:

Reason	Date	FR Cite
Final Action	01/17/90	55 FR 1576
Final Action Effective	02/16/90	55 FR 1576

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettlemann 202 382-9744

RIN: 0575–AA68

BILLING CODE 3410-07-T

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Proposed Rule Stage

107. ● COMMON CROP INSURANCE REGULATIONS AND PCLICY

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 499, (New)

Legal Deadline: None

Abstract: Establishes a single crop insurance regulations and policy for insuring crops which proposes to provide a common set of insurance regulations and terminology between private insurance companies under the Standard Reinsurance Agreement which will (1) substantially reduce the time involved in amendment or revision; and (2) eliminate the necessity of repetitious review process. Additionally, this rule also clarifies FCIC's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/07/90	55 FR 4382
NPRM Comment Period End	03/09/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, 14th and Independence Avenue SW., Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA03

108. ● APPLE CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1505 et seq

CFR Citation: 7 CFR 405

Legal Deadline: None

Abstract: This rule proposes to apply Federal preemption to the provisions for insuring apples and to clarify the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA08

109. ● ARIZONA/CALIFORNIA CITRUS CROP INSURANCE REGULATIONS

Significance: Agency Priority

USDA—FCIC **Proposed Rule Stage**

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 409

Legal Deadline: None

Abstract: This rule proposes to apply Federal preemption to the provisions for insuring citrus in Arizona and California, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA09

110. ● CANNING AND FREEZING SWEET CORN CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 437

Legal Deadline: None

Abstract: This rule proposes to apply Federal preemption to the provisions for insuring canning and freezing sweet corn, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA10

111. ● CANNING PEACH CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 451

Legal Deadline: None

Abstract: This rule proposes to apply Federal preemption to the provisions for insuring canning peaches, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA11

112. ● FRESH MARKET TOMATO CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 454

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring tomatoes for fresh market consumption, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA12

113. ● HYBRID SEED CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 443

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring hybrid seed, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA13

114. ● MACADAMIA NUT CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 455

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring macadamia nuts, to apply the Corporation's long standing position on the preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA14

115. ● MACADAMIA TREE CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 456

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring macadamia trees, to apply the Corporation's long standing position on Federal preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA15

116. ● PEA CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 416

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring peas, to apply the Corporation's long standing position on Federal preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA16

117. ● PEACH CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 403

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring peaches, to apply the Corporation's long standing position on Federal preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA17

118. ● PEANUT CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 425

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring peanuts, to apply the Corporation's long standing position on Federal preemption of inconsistent laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA18

119. ● PEPPER CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 445

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring peppers, to apply the Corporation's long standing position on Federal preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA19

120. ● POPCORN CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 447

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring popcorn, to apply the Corporation's long standing position on Federal preemption of inconsistent laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA20

121. ● POTATO CROP INSURANCE REGULATIONS

Significance: Agency Priority

USDA—FCIC **Proposed Rule Stage**

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 422

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring potatoes, to apply the Corporation's long standing position on Federal preemption of inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA21

122. ● PRUNE CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 450

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring prunes, to apply the Corporation's long standing position on inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA22

123. ● TABLE GRAPE CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 441

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring table grapes, to apply the Corporation's long standing position on inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA23

124. ● TOBACCO (QUOTA PLAN) CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 435

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring tobacco under the quota plan, to apply the Corporation's long standing position on inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA24

125. ● WALNUT CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 446

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring walnuts, to apply the Corporation's long standing position on inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, D. C. 20250, 202 447-3325

RIN: 0563–AA25

126. ● NURSERY CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 406

Legal Deadline: None

Abstract: This proposes to apply Federal preemption to the provisions for insuring walnuts, to apply the Corporation's long standing position on inconsistent State laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA26

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Final Rule Stage

127. ● BARLEY CROP PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 499.51

Legal Deadline: None

Abstract: This interim rule will provide the provisions for insuring barley as a crop provision under the Common Crop Insurance Policy, allowing program implementation before June 30, 1990, the contract date for filing program changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/90	
Final Action	05/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090, South Building, Washington D. C. 20250, 202 447-3325

RIN: 0563–AA04

128. ● OAT CROP PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 499.52

Legal Deadline: None

Abstract: This interim rule provides crop provisions for insuring oats under the Common Policy (proposed new 7 CFR 499) allowing program implementation before June 30, 1990, the contract date for filing program changes. A review of the rule will be scheduled after a 60 day comment period to publish any amendment made necessary by public comment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/90	
Final Action	05/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA05

129. ● RYE CROP PROVISIONS

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 499.53

Legal Deadline: None

Abstract: This interim rule will provide crop provisions for insuring rye under the Common Policy (proposed new 7 CFR 499) allowing program implementation before June 30, 1990, the contract date for filing program changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/90	
Final Action	05/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC 20250, 202 447-3325

RIN: 0563–AA06

130. ● WHEAT CROP PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 499.54

Legal Deadline: None

Abstract: This interim rule will provide crop provisions for insuring wheat under the Common Policy (proposed new 7 CFR 499)allowing program implementation before June 30, 1990, the contract date for filing program changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/90	
Final Action	05/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole, Secretary to the Board of Directors, Department of Agriculture, Federal Crop Insurance Corporation, Room 4090 South Building, Washington, DC20250, 202 447-3325

RIN: 0563–AA07

BILLING CODE 3410-08-T

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Prerule Stage

131. ● UNITED STATES STANDARDS FOR SOYBEANS

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: According to the requirements of Executive Order 12291 and Departmental Regulation 1512-1 regarding periodic reviews of existing regulations, the Federal Grain Inspection Service will review the United States Standards for Soybeans. Public comment will be requested on various aspects of the Standards including tolerances, grading limits, definitions, language clarity and other potential improvements.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	06/00/90	
NPRM	11/00/90	
NPRM Comment Period End	01/00/91	
Final Action	09/00/91	

USDA—FGIS **Prerule Stage**

Action	Date	FR Cite
Final Action Effective	09/00/92	
Begin Review	04/00/96	
End Review	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA14

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Proposed Rule Stage

132. REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT; REG. REVIEW

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: Under the requirements of Executive Order 12291 to periodically review all existing regulations, and USDA Departmental Regulation 1512-1 to conduct each such review within a five year timeframe, the Federal Grain Inspection Service will review its General Regulations under the United States Grain Standards Act. To simplify and promote a better understanding of policies and procedures, FGIS will be proposing changes to the regulations. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment Period End	01/00/91	
Final Action	07/00/91	
Final Action Effective	08/00/91	
Begin Review	06/00/95	
End Review	08/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA08

133. UNITED STATES STANDARDS FOR SORGHUM

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810.1401; 7 CFR 810.1402; 7 CFR 810.1403; 7 CFR 810.1404; 7 CFR 810.1405

Legal Deadline: None

Abstract: Based upon recommendations of the Grain Quality Workshops (which includes representatives from different segments of the industry, government, and academia), and from the National Grain Sorghum Producers Association as well other sources of information, FGIS will propose changes to the sorghum standards. Changes will be proposed to offer end-users the best possible information from which to determine end-product yield and quality, and facilitate the marketing of sorghum. Alternatives will be considered after evaluation of public comments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	01/00/91	
Final Action Effective	02/00/92	
Begin Review	05/00/93	
End Review	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA10

134. UNITED STATES STANDARDS FOR RICE

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 68.201 to 68.316

Legal Deadline: None

Abstract: Waxy varieties of rice being grown in the United States are being downgraded under current rice standards because of their chalky characteristic. In the current market for this rice, the chalky characteristic is not a detriment. The Federal Grain Inspection Service will propose establishment of a subclass for this short grain rice to facilitate its marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4582
NPRM Comment Period End	04/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	
Begin Review	01/00/94	
End Review	03/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA11

135. ● UNITED STATES STANDARDS FOR BEANS

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 68

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) is proposing to change the manner in which beans with surface dirt and grime are graded under the United States Standards for Beans. Currently, beans with a significant amount of dirt and grime adhering to the seedcoat are considered damaged beans. FGIS proposes that "dirt grime" be established as a separate nongrade determining factor. The percent of dirt and grime-affected beans in the lot/sample would be shown on the inspection certificate for informational

purposes. Furthermore, FGIS proposes to add provisions for grading beans which are seriously blemished by dirt and grime as U. S. Substandard.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	11/00/90	
Final Action Effective	11/00/91	
Begin Review	05/00/95	
End Review	10/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA13

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136. ● UNITED STATES STANDARDS FOR WHEAT

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) invites comments and suggested changes to the United States Standards for Wheat under the United States Grain Standards Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/89	54 FR 48752
ANPRM Comment Period End	01/26/90	
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	08/00/91	
Final Action Effective	08/00/92	
Begin Review	03/00/96	
End Review	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA15

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137. ● FEES FOR FEDERAL AFLATOXIN TESTING AND FALLING NUMBER DETERMINATION SERVICES

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 68

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS or Service) proposes to establish an hourly rate and laboratory fee for a new type of aflatoxin test performed under the Agricultural Marketing Act of 1946 (AMA). In addition, FGIS proposes to establish a unit fee for the aflatoxin test kit. The unit fee will be assessed in addition to the hourly rate when the test is performed at the point of service. The laboratory fee, assessed when the test is performed at the FGIS Commodity and Testing Laboratory in Beltsville, Maryland, will include the test and the aflatoxin test kit. FGIS is also proposing to increase the hourly rate and laboratory fee for falling number determination services. These proposed fees are intended to recover as nearly as practicable, projected operating costs, which include related supervisory and administrative costs, and to maintain reasonable operating reserves. The unit fee for the aflatoxin test kit will cover, as nearly as possible the cost of each testkit used in the aflatoxin tests.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	04/00/90	
Final Action	06/00/90	
Final Action Effective	07/00/90	
Begin Review	12/00/90	
End Review	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA16

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138. ● FEES FOR RAILROAD TRACK SCALE TESTING SERVICES

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to establish an hourly rate for providing railroad track scale testing services to all applicants under the United States Standards Act (as amended). The proposed fee is intended to recover, as nearly as practicable, the projected operating costs of this service, which include related supervisory and administrative costs, and to maintain reasonable operating reserves.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	
Begin Review	09/00/91	
End Review	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 200902-6454, 202 475-3428

RIN: 0580–AA17

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139. ● BELTSVILLE COMMODITY LABORATORY TEST FEES

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 68

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to increase the laboratory testing fees for commodities tested under the Agricultural Marketing Act of 1946 (as amended) at the Beltsville Commodity Testing Laboratory. These proposed fees are intended to recover, as nearly as practicable, the projected operating costs of the test services, which include related supervisory and administrative costs, and to maintain reasonable operating reserves.

USDA—FGIS — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	
Begin Review	11/00/91	
End Review	03/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA18

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Final Rule Stage

140. SHIPLOT INSPECTION PLAN - CU-SUM

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800.86; 7 CFR 800.129; 7 CFR 800.135; 7 CFR 800.139

Legal Deadline: None

Abstract: This final rule of the Federal Grain Inspection Service will amend the regulations under the United States Grain Standards Act to include a revised shiplot inspection plan (Cu-sum) for determining grain quality.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3050
NPRM Comment Period End	05/23/89	54 FR 9054
Final Action	04/00/90	
Final Action Effective	05/00/90	
Begin Review	01/00/95	
End Review	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Marsden, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA09

141. CANOLA/RAPESEED STANDARDS

Legal Authority: 7 USC 71 to 87; 7 USC 1621 to 1627

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Rapeseed is increasing in importance as an oilseed crop in the United States. The Federal Grain Inspection Service is considering proposing Official United States Standards for Rapeseed. Standards would be to facilitate domestic and international marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 22924
NPRM Comment Period End	08/28/89	
Final Action	07/00/91	
Final Action Effective	08/00/91	
Begin Review	04/00/95	
End Review	06/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA12

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Completed Actions

142. ● OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 801

Legal Deadline: None

Abstract: To maintain accuracy of field instruments in performing official inspection services, the Federal Grain Inspection Service (FGIS) is adopting provisions which amend the regulations under the United States Grain Standards Act, as amended (USGSA) to include maintenance tolerances for near-infrared spectroscopy (NIRS) instruments used in testing soybeans for oil and protein content.

Timetable:

Action	Date	FR Cite
Final Action	01/10/90	55 FR 0839

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA19

143. ● UNITED STATES STANDARDS FOR WHEAT

Legal Authority: 7 USC 75a; 7 USC 76

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) will amend the United States Standards for Wheat by replacing the single class White wheat with two classes, Hard White wheat (HWW) and Soft White wheat (SWW). The class SWW will have three subclasses, Soft White wheat, White club wheat and Western White wheat. The class HWW will have no subclasses. These changes will provide greater consistency in applying the

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standards, make the standards easier to interpret, and facilitate trade in both hard and soft white wheats.

Timetable:

Action	Date	FR Cite
Final Action	11/27/89	54 FR 48735
Final Action Effective	05/01/90	54 FR 48735

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul D. Marsden, Manager, Regulations Unit, MIIPS, Department of Agriculture, Federal Grain Inspection Service, Box 96454, Washington, D. C. 20090-6454, 202 475-3428

RIN: 0580–AA20

BILLING CODE 3410-EN-T

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Food and Nutrition Service (FNS)

144. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during declared disasters. (FNS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	12/00/90	
Final Action	08/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA24

145. RULES OF PROCEDURE

Legal Authority: PL 100-435, Sec 603

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Retroactive for Fiscal Year 1985 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) revised the Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA75

146. MISCELLANEOUS QC PROVISIONS OF HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435, Sec 602; PL 100-435, Sec 604(1)

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Most of the changes are retroactive for Fiscal Year 1986 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Program quality control (QC) system provisions of the Food Stamp Act of 1977, as amended. Section 602 requires that State agencies be charged interest on unpaid QC payment error rate (PER) liability claims from the date the billing is received by the State agency, unless the State agency appeals the billing. If the State agency appeals, interest will begin to accrue from the date of the appeal decision or 2 years from the date the billing is received by the State agency, whichever is earlier. Section 604 revised the provisions for paying State agencies enhanced administrative funds for low PERs. It also revises the threshold for State agencies' liabilities for excessive payment error rates. Finally, it provides that PER liability claims will be assessed based on a State agency's total allotments issued, rather than as a percentage of administrative costs. (89-001)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA76

147. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: The proposed food delivery regulations will strengthen and improve vendor management and food instrument accountability. Vendor management areas addressed include: selection,training, high-risk identification and monitoring, sanctions, and appeals. Among the additional areas covered are: dual participation, food instrument reconciliation, and food instrument security. The proposed changes are being made in response to a recent audit by the Office of the Inspector General, and program deficiencies identified through management evaluations and ongoing contact with State agencies. This regulation will control potential program vendor and participant abuse and result in more efficient use of program funds.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	10/00/90	
Final Action Effective	03/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: None

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA80

148. ● OUTCOME-BASED PERFORMANCE STANDARDS FOR FOOD STAMP EMPLOYMENT AND TRAINING PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-435

CFR Citation: 7 CFR 271; 7 CFR 273

Legal Deadline: Fina , Statutory, April 1, 1991.
The new performance standards as required by regulations must be implemented by States by April 1, 1991.

Abstract: The Hunger Prevention Act of 1988 mandates that the U.S. Department of Agriculture change the basis of its performance standards for Food Stamp Employment and Training programs from process-based to outcome-based measures. The new standards must be implemented by April 1991. Consequently, the Food Stamp regulations must be revised to reflect the new measurement criteria for performance and the methodology for computing the new standards.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	
NPRM Comment Period End	08/15/90	
Final Action	12/24/90	
Final Action Effective	04/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3010 Park Center Drive, Alexandria, Virginia 22302, **703 756-3064**

RIN: 0584–AA82

149. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN NON-DISCRETIONARY FUNDING RULE

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, October 1, 1989.
The law made these provisions effective October 1, 1989.

Abstract: This regulation would set forth the major revisions to the funds allocation process brought about by Public Law 101-147. The objective of this action is to provide guidelines for the allocation of funds, including changes in the administrative funding structure, breastfeeding targets, and conversion of food funds to administrative funds.

The revised funding structure eliminates the 20 percent limit on administrative and program services funds. Instead, administrative and program services funding will be determined based on a national administrative grant per person. In addition, State agencies must spend at least $8 million for breastfeeding promotion in addition to the current 1/6 nutrition education requirement. For those State agencies that achieve participation increases above the federal projected level through acceptable measures such as cost containment, curtailment of vendor abuse, and breastfeeding promotion activities, conversion of food funds to cover administrative expenses is authorized. Finally any State agency using a cost containment measure may temporarily borrow 1st quarter funds to pay 4th quarter expenses.(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: Timelines for the allocation and reallocation of funds are also established by this rule.

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, Virginia 22302, **703 756-3064**

RIN: 0584–AA83

150. ● COORDINATED REVIEW EFFORT

Significance: Agency Priority

Legal Authority: 42 USC 1751 et seq

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235; 7 CFR 245

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: Public Law 101-147 requires the Secretary to develop a unified accountability system to ensure local compliance with National Lunch Program requirements. Under this proposed rule, Regional Offices are required to conduct management evaluations of each State agency's administration of the program. State agencies are required to conduct supervisory assistance reviews of all large SFAs at least once during a 3 year review cycle and of all small SFA's at least once during a 5 year review cycle. Follow-up reviews are required of all large SFA's exceeding a review threshold and of 25% of the small SFA's exceeding the threshold. Regional Offices may assist State agencies in the conduct of any review or the Regional

USDA—FNS **Proposed Rule Stage**

Office may conduct a review in the place of the State agency. Reviews conducted by the Regional Office in accordance with the provisions of the proposed supervisory assistance review requirements, will be counted toward the SA review requirements.

A number of alternatives exist within the framework envisioned in this proposal. CND expects the request for comments to elicit a number of alternatives which may improve the proposed (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	11/00/90	
Final Action Effective	01/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: ABSTRACT CONT: review process. This rule replaces the existing monitoring system (AIMS) and the Federal Review System. The proposed Coordinated Review Effort does not increase the cost but does improve the efficiency of the monitoring effort.

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, Virginia 22302, **703 756-3064**

RIN: 0584–AA84

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Final Rule Stage

151. FOOD DISTRIBUTION PROGRAM - PART 250

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	06/03/88	53 FR 20416
Final Action	09/30/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA07

152. EMPLOYMENT AND TRAINING REQUIREMENTS TECHNICAL CORRECTIONS PROPOSED RULE

Significance: Regulatory Program

Legal Authority: 7 USC 2011 to 2029

CFR Citation: 7 CFR 273.1; 7 CFR 273.7

Legal Deadline: None

Abstract: The proposed rule will clarify several aspects of the Food Stamp Program Employment and Training Rule published December 31, 1986, and will accomplish minor corrections in other portions of this rule. The clarifications and corrections are the result of program experience gained through the initial operations of a program component entirely new to the Food Stamp Program as a whole.

The Department is concerned that current regulations may be inequitable to State by mandating that they use the full October 1988 count of mandatory E&T participants in computing the base on which the Fiscal Year 1989 first reporting period 35 percent E&T placement standard will be applied. This procedure inflates State placement obligations for this period and makes it difficult for them to meet these obligations. This proposed rule implements Departmental action to correct this inequity, together with other minor alterations and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23638
NPRM Comment Period End	08/22/88	
Final Action	06/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Park Office Center, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA72

153. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603 Immigration Reform and Control Act of 1986, Sec 121

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.
Deadline for interim final rule

USDA—FNS **Final Rule Stage**

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/88	53 FR 39433
Final Action	10/01/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, Virginia 22302, 703 756-3064

RIN: 0584–AA73

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154. CHILD AND ADULT CARE FOOD PROGRAM - ADULT DAY CARE PROVISION

Legal Authority: 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: The rule amends the Child and Adult Care Food Program (CACFP) regulations by providing Program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA) Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CACFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of 1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits. (FNS 88-502)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/88	53 FR 52584

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA74

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155. EMPLOYMENT AND TRAINING REQUIREMENTS - NONDISCRETIONARY PROVISIONS FROM THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Other, Statutory. Sec. 404(c) of PL 100-435 is effective July 1, 1989. The Remaining provisions are effective October 1, 1988.

Abstract: This interim rule amends Food Stamp Program regulations to implement certain provisions of the Hunger Prevention Act of 1988, Public Law 100-435, 102 Stat.1645 (1988). These provisions are intended to improve the operation of the Food Stamp Employment and Training (E&T) Program by: (1) a clarification that educational programs or activities to improve basic skills or employability are allowable food stamp E&T activities; (2) the establishment of a conciliation procedure to resolve disputes involving participation in the E&T Program; (3) increasing the reimbursement for dependent care costs under the E&T Program to up to $160 per dependent per month; (4) the exclusion of any payment made to and E&T participant for work related expenses or for dependent care from consideration as income under the Food Stamp Program; (5) a clarification that Federal funds made available to a State agency for an educational component cannot be used to supplant non-Federal funds for existing services and activities that promote the purposes of that component;(cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	
Final Action	10/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: ABSTRACT CONT: and (6) the extension of the current performance standards for the placement of E&T participants beyond Fiscal Year 1990 until new performance standards can be developed and issued in accordance with the provisions of Public Law 100-435.

Agency Contact: Jeffrey Held, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA79

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Food and Nutrition Service (FNS)

156. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Sarah H. Ide 703 756-3064

RIN: 0584–AA52

157. ADMINISTRATION/ MANAGEMENT: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 272.1; 7 CFR 272.2; 7 CFR 272.4; 7 CFR 272.5; 7 CFR 272.10; 7 CFR 272.12; 7 CFR 273.9; 7 CFR 273.18; 7 CFR 275.15

Completed:

Reason	Date	FR Cite
Final Action	02/22/90	55 FR 6233

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Jeffrey Held 703 756-3064

RIN: 0584–AA63

158. AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES: CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

CFR Citation: 7 CFR 227.18; 7 CFR 227

Completed:

Reason	Date	FR Cite
Final Action	02/07/90	55 FR 4350
Final Action Effective	05/08/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Jeffrey Held 703 756-3064

RIN: 0584–AA81

BILLING CODE 3410-30-T

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Food Safety and Inspection Service (FSIS)

159. ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCTS INTO THE UNITED STATES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: FSIS will review the import eligibility provisions of regulations promulgated under the Federal Meat Inspection Act and Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. Charles Danner, Jr., Director, Planning Office, PEPS, Department of Agriculture, Food Safety and Inspection Service, Room 202, Portal Building, Washington, DC 20250, 202 475-3680

RIN: 0583–AA55

160. PRODUCTION OF CERTAIN MINIMALLY PROCESSED, UNCURED, PERISHABLE PRODUCTS PACKED IN SEALED CONTAINERS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking would request information, scientific data and comments from the public regarding the need for new requirements governing the production of certain minimally processed, uncured, perishable meat and poultry products that are packed in sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement. Examples of such products include, but are not limited to, soups, sauces, pastas, salads, and entrees.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Productsand Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AB14

161. ● HEAT PROCESSING PROCEDURES; COOKING INSTRUCTIONS AND COOLING, HANDLING AND STORAGE INSTRUCTIONS FOR UNCURED COMMINUTED MEAT AND POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking would solicit information and comments from the public regarding the need for heat-processing procedures, cooking instructions and cooling, handling, and storage requirements for certain uncured, comminuted meat and poultry products. The information is requested to determine if a rulemaking is needed for processing controls covering other

USDA—FSIS **Prerule Stage**

heat-processed products in addition to meat patties. Products of concern include, but are not limited to, nuggets, fritters, meatballs, crumbles, Jamaican style patties and loaves.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AB19

162. ● NON-RESIDUE LABELING CLAIMS ABOUT ANIMAL PRODUCTION PRACTICES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking would seek information and solicit comments from the public regarding the use of labeling claims on meat and poultry products reflecting various animal production practices; e.g., "raised in fresh air and the sunshine," "grass fed," and "drinks pure spring water." Although some animal production claims have been permitted to be made on labels of meat and poultry products, FSIS is concerned that substantiating documentation currently required may not be sufficient to adequately support some of these claims. This action is taken to determine what kinds of claims should be permitted, what level of verification is necessary, and how and by whom such verification should be conducted.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AB21

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Food Safety and Inspection Service (FSIS)

163. REQUIREMENTS FOR PARTIALLY DEFATTED MEAT PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
Extension of Comment Period	11/21/85	50 FR 48097
ANPRM Comment Period End	01/21/86	
Comment Period End	01/26/86	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA27

164. VOLUNTARY RESIDUE CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to aid in the control and reduction of residues of drugs, pesticides and other chemicals in meat and poultry products, and permit label claims to appear on meat and poultry products subject to USDA's ability to verify such claims concerning how an animal was raised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583–AA29

165. SULFONAMIDE RESIDUES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

USDA—FSIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale, Assistant Deputy Administrator, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA31

166. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would respond to amendments to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat products to the United States and provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States. The proposed rule would also provide the Secretary with the authority to revoke eligibility requirements of countries that do not regularly submit residue control programs to FSIS for review.

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/26/88	
Repropose Rule	03/09/90	55 FR 8956
Comment Period End	04/09/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Ave., SW., Washington, DC 20250, 202 447-6933

RIN: 0583–AA47

167. USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would prescribe acceptable conditions for the reuse of water in official establishments. This rule would outline methods protecting the potable water supply and describe conditions of use of fresh water. In addition, the rule would also consolidate and make uniform pre-existing policies for the use and reuse of water and brine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment, and, Sanitation Division, S & T, Department of Agriculture, Food Safety and Inspection Service, Room 1175 South Bldg., Washington, DC 20250, 202 447-5627

RIN: 0583–AA54

168. CERTAIN PRODUCTS WITH MEAT INGREDIENTS—EXEMPTIONS FROM DEFINITION OF A "MEAT FOOD PRODUCT"

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 301; 9 CFR 303

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to exclude specific products and classes of products containing meat, meat byproducts, and/or meat food products from the definition "meat food product" and thereby would exempt these products from Federal inspection. The proposal identifies two broad conditions for exemption: (1) products containing 3 percent or less of raw meat or other portion of any carcass, or less than 2 percent of cooked meat or other portion of any carcass, and (2) products that historically have not been considered by consumers as products of the meat food industry. This proposal would replace current informal standards for exemptions with formal, codified exemptions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA62

169. ADDITIONAL TRICHINA DETECTION METHODS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the regulations to permit use of an approved method for examining swine for evidence of trichinosis. The Food Safety and Inspection Service (FSIS) has been petitioned by a manufacturer of serological tests to amend the Federal meat inspection regulations to approve the use of immunoassays for the examination of swine for evidence of trichinosis infection. FSIS has reviewed the performance of the petitioner's assay in a laboratory where sera prepared by the Agency were tested by a precisely defined procedure and has concluded that immunoassays can effectively detect evidence of trichinosis in swine

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA67

170. USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7339
NPRM Comment Period End	04/02/90	
Extension of Comment Period	04/02/90	55 FR 12203
Comment Period End	05/02/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA75

171. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA76

172. REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to establish specific requirements concerning processing procedures used in the production of semi-dry and dry fermented sausages. Currently, the Agency has only general requirements concerning the processing procedures for these products. This proposal will provide that a manufacturer of semi-dry and/or dry fermented sausages use either a model good manufacturing practice (GMP) procedure with specified or described critical control points, process control limits, and monitoring activities; or an approved processing procedure from a processing authority who would define the critical control points, process control limits, and monitoring activities for each processing procedure. In addition, the proposal requires that all processes for semi-dry and/or dry fermented sausages comply with a set of validation criteria to assure the product is not adulterated. The proposed rule provides the necessary processing requirements to assure that the production of fermented meat food products does not result in adulterated products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA77

173. USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of food starch modified and other binders as water retention agents in cured pork products. FSIS has been petitioned by the Corn Refiners Association, Inc., Washington, DC, for the approval of food starch modified at a rate not to exceed 2 percent to enable ham processors to formulate products which will better meet the needs of consumers and food service operators. FSIS is amending the regulations to add this binder to the table of approved substances as requested by the petitioner. FSIS is also amending the regulations to add several other binders for use as water retention agents in cured pork products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

USDA—FSIS **Proposed Rule Stage**

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA78

174. USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA79

175. PROCESSING PROCEDURES AND COOKING INSTRUCTIONS FOR COOKED, UNCURED MEAT PATTIES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This rule will provide processors of fully and partially cooked, and char-marked, uncured meat patties with specific manufacturing, handling, and labeling requirements for these products to reduce the potential for incidents of food-borne, pathogen-caused illness from consumption of inadequately cooked, uncured meat patties. This rule will also establish (1) holding temperature and time requirements for raw meat used for cooked, uncured meat patties; (2) internal temperature and time combination processing requirements for fully and partially-cooked, uncured meat patties which are char-marked with heat but remain raw; (3) a requirement that a cooking instruction be placed on the label of partially-cooked and char-marked, uncured patties, instructing the final preparer to cook the patties to a well done state (a minimum internal meat temperature of 160 degrees Fahrenheit); and (4) requirements to assure that fully-cooked, uncured meat patties are not contaminated after cooking. This action will prevent instances of illness from the consumption of such patties.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52179
NPRM Comment Period End	01/26/89	
Reproposal	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA81

176. SODIUM/POTASSIUM LACTATE AS ANTIMICROBIAL AGENTS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as antimicrobial agents in cooked meat and poultry products, and would provide for additional protection against the growth and toxin development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Divison, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA83

177. AUTOMATIC EXPIRATION SYSTEM FOR APPROVED LABELS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to define a system whereby industry labels will have an automatic expiration date upon approval. The purpose of this action will be to prevent approved labels that are no longer in use from remaining in the data base unnecessarily. This will benefit both the public and the agency by improving our responsiveness to label inquiries and enforcement of changes in labeling regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA87

USDA—FSIS **Proposed Rule Stage**

178. CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to extend the current cross-contamination preventive requirements for cooked beef, roast beef and cooked corned beef, to all types of heat processed meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina, Executive Director, Inspection Management, Program, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW., Washington, DC 20250, 202 447-4565

RIN: 0583–AA88

179. LABELING OF FRANKFURTERS AND SIMILAR PRODUCTS CONTAINING BINDERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to remove labeling requirements and use limitations required for certain binders in sausage, breakfast sausage, frankfurters, cheesefurters, bockwurst, similar products, and poultry rolls. This proposed rule would also request information from interested persons as to whether granting the petition would result in false or misleading labeling or permit the use of binders in excess of what is needed to "bind" the products.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/88	53 FR 32247
ANPRM Comment Period End	09/23/88	
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA92

180. SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS—REVISION OF LISTINGS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to reorganize the table of approved substances in an alphabetical order by the substance name rather than by class of substance, to include substance approvals not listed as well as amend individual product standards, and separate those substances approved for use as processing aids into a second chart. This proposed rule will assist the user in locating a substance more quickly and provide more consistency in using the table, update the regulations to reflect existing policies and current industry practices, and provide clarity to the chart of substances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA93

181. IMPORTED PRODUCT; MOVEMENT PRIOR TO REINSPECTION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by restricting the movement of imported product to within one of five geographical port areas where the product is unloaded. FSIS is also proposing to amend the regulations to require that such imported product be transported directly to an import inspection establishment from the place that the product is unloaded and that such product be reinspected within 30 days of its arrival in the United States. These actions are expected to increase FSIS's ability to gain and maintain control over imported meat and poultry products prior to their reinspection by FSIS.

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17059
NPRM Comment Period End	07/12/88	
Reopening of Comment Period	08/23/88	53 FR 32060
Comment Period End	09/22/88	
Reproposal	06/00/90	
Comment Period End	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AA94

182. REVISION OF REQUIREMENTS FOR FINISHED PRODUCT INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit early shipment of shelf-stable products subject to incubation and to reduce the sampling frequency for product processed in continuous-type processing systems. There actions are a result of petitions submitted by the National Food Processors Association, Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA95

183. REVIEW OF RETAIL STORE INSPECTION EXEMPTIONS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 303; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to remove all provisions relating to sales of retail-prepared products to hotels, restaurants, and institutions, but allow unlimited resale of federally inspected product that has not undergone further processing; redefine "consumer" as a household consumer only; limit retail store operations to specific processes and products associated with minimal health risks; remove restrictions on the quantity of sales to consumers; allow unlimited product distribution by a retail store to other retail stores of the same ownership; require that distribution of products be made by employees of the retail store without any intervening transfer or storage of such products; and require that an exempted retail area be physically separated from an official establishment or, if within the confines of an official establishment, the retail area shall be separated completely from the official establishment by full height floor-to-ceiling walls. A task force reviewed the exemption provisions of the Federal Meat and Poultry Products Inspection Acts as a result of a District Court (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/21/88	53 FR 27525
ANPRM Comment Period End	09/19/88	
Extension of Comment Period	09/19/88	53 FR 36334
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: decision and as requested by certain members of the industry. This review also included examination of longstanding "two- stores" policy which allows an exemption from Federal inspection requirements for any retail operator that owns only two retail stores and prepares meat and/or poultry products at one of its retail stores for sale to consumers in normal retail quantities at both stores.

Agency Contact: Robert Gonter, Associate Deputy Administrator, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3521

RIN: 0583–AA96

184. PROCESSING REQUIREMENTS FOR DRIED READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to require establishments to treat certain dried, ready-to-eat meat and poultry products to eliminate microbial contamination. Past food-poisoning outbreaks from dried meat products confirm that present processing requirements do not assure that the finished product is free from contamination by salmonellae. Treatment would assure the destruction of infectious disease bacteria, such as Salmonella, often present on the raw ingredients. The proposed rule would cover all dried ready-to-eat meat and poultry products except fermented sausages and dry cured hams and pork shoulders treated by one of the processing methods in section 318.10(c)(3) (ii), (iii), or (iv) of the Federal meat inspection regulations. The required treatment would either be a lethal heating step, a combination curing and heating process, or an alternate processing method which establishments have shown to be effective. The proposed rule would also contain provisions to prevent contamination of treated product by direct or indirect contact with untreated product.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA97

185. ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's

premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for safe ante-mortem inspection of disabled animals; and (3) provide the requirements for the written request for this inspection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA98

186. JAR CLOSURE REQUIREMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to revoke the requirements for vacuum packaged meat and poultry products in glass containers. FSIS was petitioned by the National Food Processors Association, Washington, DC, to revoke jar closure regulations that are no longer necessary to prevent contamination of products packed in glass containers. This action would be consistent with the requirements of the Food and Drug Administration for nonmeat products.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AB00

187. EXEMPTION FROM "EQUAL TO" REQUIREMENTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide administrative procedures whereby a foreign country may petition FSIS to be exempted from certain specified inspection requirements. FSIS has received several requests for exemption from specific regulations and procedures to assure that the foreign inspection program will maintain its eligibility to export product to the United States. Present meat and poultry products inspection regulations do not contain a procedure that advises how such requests should be made. Exemption requests are received in various forms and with a variety of information included, and as a result unnecessary time and effort is expended to develop an exemption request in the proper form for consideration. This action will provide a procedure for the submission of exemption requests from countries exporting product to the United States and to permit a timely Agency response.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AB01

188. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol M. Seymour, Director Policy Evaluation and Planning, Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3317

RIN: 0583–AB02

189. POULTRY POST-MORTEM INSPECTION SYSTEM

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection

regulations to merge the requirements for the new turkey inspection system, new line speed inspection system, streamlined inspection system and traditional inspection into two mandatory methods to be known as poultry post-mortem inspection system (PPMIS) and poultry post-mortem inspection system quality control (PPMIS-QC). The finished product standards for carcasses and giblets would be amended to include all classes of poultry. This proposal would describe the facility requirements necessary to implement this new system nationally, and would establish national presentation standards and line speeds for each class of poultry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AB03

190. EXPORT CERTIFICATION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 322

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to provide export certification of all meat and poultry products exported to foreign countries. Domestic inspectors certify that the product is USDA inspected and passed, and that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing control; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. The export certification project, of which the pilot was a part, will continue in 1989. FSIS will review the current regulations and determine what, if any, changes should be considered from the outcome of this project.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Fetzner, Director, Export Coordination Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-9051

RIN: 0583–AB04

191. PEST CONTROL IN OFFICIAL ESTABLISHMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide consistency of existing provisions and ensure enforceability of the requirements for controlling pests such as flies, rodents, insects, and vermin in official establishments. In the past, establishments used pesticides as the primary means of controlling pests. Presently, establishments rely on the use of primary controls to prevent pests from entering an establishment; that is, they use such techniques as preventive construction, maintenance and sanitation. This action would also provide uniform requirements for both meat and poultry products regarding the use of the words "pesticides" and "poison," and the use of other chemical compounds as a means for eliminating or controlling pests in official establishments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB08

192. USE OF TRICALCIUM PHOSPHATE AS A SEQUESTRANT IN MECHANICALLY DEBONED CHICKEN

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to allow the use of tricalcium phosphate as a sequestrant in the preparation of mechanically deboned poultry. This action is the result of a petition FSIS received from Henningsen Foods, Inc., Omaha, NE, to permit the use of tricalcium phosphate to sequester the iron in hemoglobin in mechanically deboned poultry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AB09

193. PRODUCT DETENTIONS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 329; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to issue new procedures for preparing and processing the Agency's detention notice and to revise the form numbers for the detention tags and reports. Currently, upon detention of any article, FSIS provides oral notification and a Preliminary Notice to the owner or custodian of the detained article. Preliminary notice would be eliminated and written notification would be promptly furnished to the owner or custodian in the form of a completed

USDA—FSIS **Proposed Rule Stage**

"Notice of Detention," FSIS Form 8080-1 (MP-484).

Timetable:

Action	Date	FR Cite
NPRM	03/02/90	55 FR 7499
NPRM Comment Period End	05/01/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard VanBlargen, Director, Evaluation and Enforcement, Department of Agriculture, Food Safety and Inspection Service, Room 2925, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-4293

RIN: 0583–AB10

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194. UNDENUDED BEEF STOMACHS; FINISHED PRODUCT STANDARDS AND MANUFACTURING AND INSPECTION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to include finished product standards and manufacturing and inspection procedures for unscalded beef stomachs. This action responds to several requests by meat processing companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AB11

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195. LABELING REQUIREMENTS FOR PACKAGED PRODUCTS WHICH REQUIRE SPECIAL HANDLING TO MAINTAIN THEIR WHOLESOME CONDITION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to promote consistent labeling requirements within the meat and poultry industry. This action would establish a uniform, standardized label statement and logo system for packaged products that could pose a safety hazard if subjected to temperature abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AB12

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196. USE OF COMPRESSED AIR IN BONING OPERATIONS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of compressed air or other gases such as nitrogen and carbon dioxide in boning operations as requested by several establishments. Tests indicate that this would facilitate the separation of muscle tissue from the fat tissue and bone of carcasses and parts without affecting the wholesomeness of the product.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Productsand Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AB13

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197. USE OF ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM CITRATE, AND SODIUM ASCORBATE IN FRESH BEEF AND LAMB

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium citrate, and sodium ascorbate, to maintain the color in fresh beef and lamb. FSIS received a petition from Wilson Foods Corporation, Oklahoma City, OK, to allow the use of these substances in all red meat.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AB15

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198. ● ADDITIONAL METHODS FOR DESTROYING TRICHINAE; PROSCIUTTO

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of additional methods for destroying trichinae for prosciutto. The Food Safety and Inspection Service evaluated

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reports of tests performed to determine an acceptable method of treatment for destroying trichinae in prosciutto hams. The regulation would be amended to permit establishments to use a minimum time and temperature combination in conjunction with a minimum brine concentration. In addition, this regulations would add a trichinae destruction treatment method for dry-cured sausage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, **202 447-3840**

RIN: 0583–AB17

199. ● POLICY FOR DIFFERENTIATING BETWEEN CALVES AND ADULT CATTLE

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to define the term "calf" for inspection purposes, as a young bovine animal whose weight does not exceed 750 pounds live, or whose dressed carcass weight does not exceed 450 pounds with the hide on, or 425 pounds with the hide removed. In addition, the proposal would provide that certain indicators of maturity, such as teeth and bone formation may be used in conjunction with weight to make a determination of whether the animal is a "calf."

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. S. Horne, Deputy Administrator, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, Room 344-E, Administration Building, 14th and Independence Avenue SW., Washington, D. C. 20250, **202 447-5190**

RIN: 0583–AB18

200. ● USE OF CITRIC ACID AS A COLOR PRESERVATIVE ON THE SURFACE OF CURED MEAT CUTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of up to a 30 percent solution of citric acid as a color preservative on the surface of cured meat cuts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, **202 447-6042**

RIN: 0583–AB20

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

201. CATTLE POST-MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: This rule will improve post-mortem inspection procedures for cattle in establishments currently using three or more line inspectors. To keep pace with technological advances, streamline procedures, focus resources on critical areas, and hold establishments accountable for their actions, the Agency wants to modernize its inspection procedures while still assuring that only wholesome products enter commerce. It is anticipated that the meat industry will experience a net gain if this system of inspection is implemented in spite of the initial costs of facility modifications which may be necessary in some establishments. Savings to the industry as a whole should occur because of increased productivity and reduced overtime.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48262
NPRM Comment Period End	01/30/89	
Reopening of Comment Period	02/14/89	54 FR 6684
Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583–AA32

202. TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by incorporating the dry-cured ham research study findings. This study evaluated the efficiency of present procedures in the commercial

USDA—FSIS **Final Rule Stage**

production of dry-cured hams and determined the combinations of curing time, temperature, salt concentration, and water activity necessary to inactivate t. spiralis.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 15946
NPRM Comment Period End	06/19/89	
Extension of Comment Period	06/19/89	54 FR 25728
Comment Period End	08/18/89	
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Deputy Director, Processed Products, Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA49

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203. USE OF CERTAIN BINDERS IN MEAT AND POULTRY PRODUCTS AND TRANSFER OF BINDERS IN TEXT TO THE TABLES OF APPROVED SUBSTANCES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This rule will permit the use of wheat gluten, tapioca dextrin, whey protein concentrate, and sodium caseinate as binders in various meat and poultry products. This action responds to petitions submitted by several companies requesting that the Food Safety and Inspection Service permit these substances in various meat and poultry products to improve the texture of the products.

Timetable:

Action	Date	FR Cite
NPRM	10/06/88	53 FR 39307
NPRM Comment Period End	11/07/88	
Reopening of Comment Period	11/24/89	54 FR 48634
Comment Period End	12/26/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA64

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204. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REDUCED TESTING

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to modify the testing frequency of young veal calves under certain conditions for residues of sulfonamides and antibiotics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning, Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW., Washington, DC 20250, 202 447-2807

RIN: 0583–AA68

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205. NET WEIGHT

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This rule will make Federal and State weights and measures procedures and techniques more consistent, objective and equitable. USDA will adopt the National Bureau of Standards Handbooks 133 and 44 as its standards. This amendment will recognize a fixed amount of acceptable moisture loss by product. This will replace the term "reasonable variation." Moreover the amendment will grant concurrent jurisdiction to State and local authorities to enforce net weight labeling of federally inspected meat and poultry products within their geographic area. The amendment will promote uniform treatment of moisture loss and weights and measures standards as well as encourage and enable greater State and local participation.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9370
NPRM Comment Period End	05/05/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Smith, Deputy Director, Processed Products, Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA69

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206. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317

Legal Deadline: None

Abstract: This rule will add a new exception to the requirement that the list of ingredients on the labels of meat food products shall show the common or usual names of the ingredients. The exception would apply to the use of Mechanically Separated (Species) (MS(S)), at levels no greater than ten percent of the livestock and poultry product portion of a meat food product, providing that the labeling of such product bear a calcium content declaration in accordance with section 317.2(j)(13)(ii) of the Federal meat inspection regulations (9 CFR 317.2(j)(13) (ii)). This action is the result of a petition submitted to the Food Safety and Inspection Service by several members of the meat industry

to amend the labeling requirements for meat food products containing MS(S).

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35089
NPRM Comment Period End	11/08/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA71

207. PARTIALLY COOKED, CURED AND SMOKED POULTRY BREAKFAST STRIPS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit preparation of partially cooked, cured and smoked poultry breakfast strip products which are intended to be cooked further before consumption. This action is in response to a petition submitted by Swift Eckrich, Inc., Oak Brook, Illinois, for a change in the requirements for cooked poultry products. FSIS will amend the regulations to require that the products be labeled with cooking instructions which will inform the consumer that the products are not suitable for consumption until thoroughly cooked.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12219
NPRM Comment Period End	05/23/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA82

208. PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This rule will replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7434
NPRM Comment Period End	04/18/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA84

209. IMPORTATION OF LIVESTOCK CARCASSES WITH TISSUES REMOVED

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to remove the requirements prohibiting the importation into the United States of carcasses or parts of carcasses of livestock from which the pleura, peritoneum, body or portal lymph nodes are removed. These carcasses or parts would be imported based on the eligibility of the exporting countries, and whether they are wholesome, not adulterated and properly marked and/or labeled. This action is in response to a petition submitted by Cloverdale Foods Company, Minot, North Dakota.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1724
NPRM Comment Period End	02/16/89	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA85

210. IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and by exempting Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of

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the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/89	54 FR 273
Reopening of Comment Period	03/16/89	54 FR 10621
Comment Period End	04/12/89	
Correction Notice	06/22/89	54 FR 26189
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AA99

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

211. CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	01/18/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: W. H. Dubbert 202 447-6699

RIN: 0583–AA28

212. DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 318

Completed:

Reason	Date	FR Cite
Final Action	03/01/90	55 FR 7295
Final Action Effective	08/28/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA30

213. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID, AND CALCIUM LACTATE

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0583-AA73	01/16/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA34

214. USE OF LACTIC ACID AND ACETIC ACID AS ANTI-MICROBIAL AGENTS ON MEAT AND POULTRY CARCASSES

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	02/14/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA43

215. INGREDIENTS THAT MAY BE IDENTIFIED AS FLAVORS OR NATURAL FLAVORS WHEN USED IN MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	03/01/90	55 FR 7289
Final Action Effective	08/28/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA44

216. REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	10/30/89	54 FR 54394
Final Action Effective	11/29/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Havlik 202 447-2644

RIN: 0583–AA52

217. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; CERTIFICATION REQUIREMENTS

CFR Citation: 9 CFR 309; 9 CFR 310

Completed:

Reason	Date	FR Cite
Final Action	03/02/90	55 FR 7472
Final Action Effective	05/31/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

USDA—FSIS **Completed Actions**

Agency Contact: W. T. Hubbert 202 447-2807

RIN: 0583–AA58

218. IMMERSION CURED AND DRY CURED BACON

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Final Action	10/20/89	54 FR 43041
Final Action Effective	01/18/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Smith 202 447-3840

RIN: 0583–AA65

219. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID AND CALCIUM LACTATE IN GROUND AND FORMED POULTRY PRODUCTS

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	02/21/90	55 FR 5976
Final Action Effective	03/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA73

220. LACTIC ACID STARTERS

CFR Citation: 9 CFR 318; 9 CFR 320

Completed:

Reason	Date	FR Cite
No further action at this time	01/16/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA86

221. USE OF TOCOPHEROLS, ASCORBYL PALMITATE AND CITRIC ACID AS ANTIOXIDANTS IN ADDITIONAL PRODUCTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	01/16/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons 202 447-6042

RIN: 0583–AA89

222. IMPORTATION OF MEAT AND POULTRY PRODUCTS; REFUSED ENTRY PRODUCT

CFR Citation: 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	12/11/89	54 FR 50733
Final Action Effective	01/10/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patrick Clerkin 202 447-5604

RIN: 0583–AA90

223. DEFINITION OF TERMS—"IMPORTATION" AND "ENTRY"

CFR Citation: 9 CFR 327; 9 CFR 361

Completed:

Reason	Date	FR Cite
Final Action	10/05/89	54 FR 41045
Final Action Effective	11/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Manis 202 447-2952

RIN: 0583–AA91

224. ADDITIONAL SUBSTANCES FOR USE IN THE PREPARATION OF MEAT AND/OR POULTRY PRODUCTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	03/21/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret O'K. Glavin 202 447-2709

RIN: 0583–AB07

225. IMPORTED PRODUCT; WITHDRAWAL OF PANAMA FROM THE LIST OF COUNTRIES ELIGIBLE FOR IMPORTATION OF MEAT PRODUCTS

CFR Citation: 9 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	12/15/89	54 FR 51355
Final Action Effective	01/16/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence Skinner 202 447-6933

RIN: 0583–AB16

BILLING CODE 3410-DM-T

DEPARTMENT OF AGRICULTURE (USDA)

Foreign Agricultural Service (FAS)

Proposed Rule Stage

226. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: PL 99-627 Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amended the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended, requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA23

227. ● PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE TARGETED EXPORT ASSISTANCE PROGRAM (TEA) OVERSEAS

Significance: Regulatory Program

Legal Authority: 7 USC 1485

CFR Citation: 7 CFR 1736

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the Targeted Export Assistance Program (TEA), as authorized in the Food Security Act of 1985, may apply and participate.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA24

228. ● PROPOSED REGULATIONS GOVERNING THE OPERATION OF THE EXPORT ENHANCEMENT PROGRAM (EEP)

Significance: Regulatory Program

Legal Authority: 5 USC 301; EO 12291

CFR Citation: 7 CFR 1494

Legal Deadline: None

Abstract: Under the Export Enhancement Program agricultural commodities owned by CCC are made available as a bonus to U.S. exporters for the purpose of expanding export sales of specific U.S. agricultural commodities in targeted markets. The objectives are to increase U.S. agricultural exports and to encourage trading partners to begin serious negotiations on agricultural trade problems.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, D. C. 20250, 202 447-6713

RIN: 0551–AA25

229. ● PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE COOPERATOR MARKET DEVELOPMENT PROGRAM OVERSEAS

Legal Authority: 7 USC 1704

CFR Citation: 7 CFR 1550

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the cooperator Market Development program, as authorized in the Agricultural Trade Development and Assistance Act of 1954 (PL 480), may apply and participate.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961 South Building, Washington, DC 20250, 202 447-6713

RIN: 0551–AA26

DEPARTMENT OF AGRICULTURE (USDA)

Foreign Agricultural Service (FAS)

Completed Actions

230. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1990

CFR Citation: 7 CFR 6.300 to 6.302

Completed:

Reason	Date	FR Cite
Final Action	10/03/89	54 FR 40723

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner 202 447-6713

RIN: 0551–AA20

USDA—FAS **Completed Actions**

231. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1990

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	11/30/89	54 FR 49316

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner 202 447-6713

RIN: 0551–AA21

BILLING CODE 3410-10-T

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Forest Service (FS)

232. PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/90	
End Review	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Review of these planning regulations has been rescheduled to allow completion of all forest plans and to allow for a review of first-generation plans and associated planning issues.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA50

233. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review has focused on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet congressional intent.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/88	
End Review	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA68

234. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART A - GENERAL PROVISIONS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart A

Legal Deadline: None

Abstract: This is a scheduled review of 36 CFR 223, Subpart A. Subpart A primarily authorizes the conditions for free use of National Forest timber.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/90	
End Review	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA89

235. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART B - TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart B

Legal Deadline: None

Abstract: This is a scheduled review of 36 CFR 223, Subpart B. Subpart B provides for the sale and disposal of National Forest timber, including contract conditions and provisions, advertisement and bids, award of contracts, and contract administration.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/90	
End Review	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA90

236. SPECIAL AREAS

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 294.1

Legal Deadline: None

Abstract: The agency has undertaken a review of its existing regulations at 36 CFR 294.1 that provide for the setting aside of areas of National Forests, other than Wilderness or wild areas, which should be managed principally for recreation. The rule establishes size classes for areas that may or may not

USDA—FS **Prerule Stage**

be designated by the Chief of the Forest Service and the Secretary of Agriculture; describes examples of the types of areas that might be set aside, and provides for clearly marking these areas on the ground. Areas classified under this section are set apart and reserved for public recreation use and such classification constitutes a formal closing of the area to any use or occupancy inconsistent with the classification. The review is completed and notice of the results of that review will be published soon.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/88	
End Review	12/01/89	
Notice Completion of Review	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA91

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Proposed Rule Stage

237. SUSPENSION AND DEBARMENT OF TIMBER PURCHASERS, 36 CFR 223, SUBPART C

Significance: Agency Priority

Legal Authority: PL 94-588, Sec 14; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None

Abstract: Currently, suspension and debarment of timber purchasers means the debarred entity is prevented from bidding or being awarded Forest Service timber sale contracts. Recently, suspended and/or debarred purchasers have been serving as subcontractors on Forest Service timber sale contracts, or acting as purchaser's representatives to receive notices and to take action on contracts. This has the effect of negating the suspension/debarment action, which is to protect the Government. The rule will be revised to prevent suspended and/or debarred purchasers from serving as subcontractors or purchaser representatives.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA09

238. FINANCIAL SECURITY OF NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.52; 36 CFR 223.50

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make down payments and periodic payments on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a midpoint payment. However, to fully comply with the Act, additional rules are required. This rule will identify the requirements for down payments, periodic payments, and market-related contract term additions. This rule will eliminate discounting and the requirement to hold a down payment until the last timber is removed. Based on comments received the agency has decided to issue a new proposed rule. In addition, the Government's position with respect to performance bonds will be strengthened by elimination of the $500,000 ceiling; providing for two-track bonding procedures, i.e. 20 percent upfront bond with reduction in amount as purchaser harvests; increasing the bid guarantee to 10 percent of the advertised value; assessing damages in the amount of bid guarantee or the difference between bid (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	11/06/87	52 FR 43020
NPRM Comment Period End	02/19/88	53 FR 544
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: value and resale value; establishing the guidelines for determining purchaser's financial ability to operate a sale; specifying shorter contract periods; and modifying the basis for determination of default damages. This action combines entry RIN 0596-AA87, as listed in the April 1989 Agenda to avoid unnecessary fragmentation of effort, to facilitate systematic implementation and to combine all considerations of financial security into one rule.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA33

239. GRAZING AND LIVESTOCK USE

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 580l; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, Subpart A

Legal Deadline: None

Abstract: This rulemaking seeks to remove outdated provisions to incorporate policies and procedures issued in the Forest Service directive system, and to revise the remaining

regulations making them clearer and easier for the public and Agency personnel to use. The proposed regulations (1) clarify the definitions of excess livestock and unauthorized use rate; (2) remove the rule for grazing advisory boards; (3) establish requirements or procedures for minimum permit size, eligibility related to compliance with permit terms, permits for livestock use in vegetation management, valuing range improvements when livestock grazing is eliminated, charging a fee for processing actions initiated or caused by a permittee or applicant, and association meeting frequency of a least 1 every 12 months; (4) incorporate currently used policies and procedures for escrow waivers, associated member grievances, permit cancellation or suspension for excess use, charges for excess use, running a child's livestock under a parent's permit, requests for information for evaluating grazing applications and action on apparent violations of permit terms. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
NPRM - Second	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA35

240. SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 Mineral Leasing Act; 16 USC 551

CFR Citation: 36 CFR 251, Subpart B

Legal Deadline: None

Abstract: The objective of this rulemaking is to conform the rule to the requirements of 3 laws approved since the regulation was revised in 1980. These laws include special provisions for authorizing irrigation and livestock watering facilities constructed prior to 1976, electrical and telephone facilities financed pursuant to the Rural Electrification Act of 1936, and special uses in Alaska. In addition, the proposed rulemaking will clarify applicant responsibilities for providing data and studies needed to process a special use application and will provide for the advanced payment of land use rental fees for longer time periods, including the life of the special use authorization. That portion of this action relating to collection of reimbursable costs for processing special use applications is being deferred and will be addressed as a new action in a future agenda. For other changes affecting special use applications and authorization of special uses, see Agenda entry RIN 0596-AA20.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA36

241. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a); 36 CFR 261

Legal Deadline: None

Abstract: Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "nonliving" or "living" power sources. The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a) and to make corollary revisions in the prohibitions applicable to wilderness use, including prohibiting competitive events and expanding the definition of aircraft to include hang gliders, parachutes and parasail. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA39

242. REVISION OF TIMBER SALE CONTRACT FORMS FS-2400-6 AND FS-2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 535; 16 USC 551; 16 USC 472a; 16 USC 607A; 16 USC 618; 42 USC 4461

CFR Citation: None

Legal Deadline: None

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as

appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Notice of Availability; Request for Comment	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA45

243. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest System lands. The objective of the rules will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the rules will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule will take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA47

244. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551; 43 USC 1701 et seq

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None

Abstract: Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA49

245. 36 CFR 271—USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None

Abstract: The regulations govern how the name or image of "Smokey Bear" may be used, who may authorize the use of "Smokey Bear," and the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This review will focus on licensing and especially exclusive licenses and will consider counterpart regulations in Part 272-Use of "Woodsy Owl" Symbol as a possible approach.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	01/01/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA66

246. 36 CFR 261 PROHIBITIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to 1133(d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: These rules declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 0596-AA65 is being combined with RIN 0596-AA75

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA75

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247. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521(c) to 521(i)

CFR Citation: 36 CFR 254, "Subpart C"

Legal Deadline: None

Abstract: Implementation of the agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	11/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA79

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248. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251 TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1134; 16 USC 3210; 30 USC 185; 43 USC 1740; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251 Subpart A; 36 CFR 251 Subpart B; 36 CFR 251 Subpart E (New); 36 CFR 251 Subpart F (New)

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16548
Interim Rule Effective	05/10/88	53 FR 16548
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA80

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249. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT AND FEDERAL REFUGE REGULATIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683

CFR Citation: 36 CFR 241

Legal Deadline: None

Abstract: This rule has been reviewed as required by USDA Departmental Regulation 1512-1. The review indicates a need to revise the rule to clarify the roles of Federal and State officials in the enforcement of laws and regulations for the protection of wildlife, to add legal authorities and to revise terminology pertaining to wildlife and enforcement of wildlife laws and regulations. The agency plans to issue a proposed rule as shown in the timetable below.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	12/01/89	
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA81

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250. HELL'S CANYON NATIONAL RECREATION AREA—PRIVATE LANDS

Legal Authority: PL 94-199, Sec 10(a)

CFR Citation: 36 CFR 292, Subpart E (New)

Legal Deadline: None

Abstract: The Forest Service proposes to issue regulations concerning use of private lands in the Hell's Canyon National Recreation Area (HCNRA) on the Oregon - Idaho border, as required in PL 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1) The

conservation and continuance of forest land for forest uses and farm land for farm uses; (2) The maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) Conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) Preservation, especially in the area generally known as Hell's Canyon, of all features and peculiarities believed to be biologically unique; (5) Protection and maintenance of fish and wildlife habitat; (6) Protection of archaeological and paleontological sites; (7) Preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	12/00/90	
Final Action Effective	01/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) Continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA88

251. SOLID WASTE DISPOSAL POLICY

Significance: Regulatory Program

Legal Authority: 16 USC 497; 43 USC 931c

CFR Citation: None

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period, authorizations would be amended to provide resource protection and limit the Government's potential liability. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources on National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA92

252. IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue Handbook directions that will require the bank president to certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	11/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA93

253. RESERVED AND OUTSTANDING MINERAL RIGHTS

Significance: Regulatory Program

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 228, Subpart B

Legal Deadline: None

Abstract: Substantial acreage of National Forest System land is underlain by privately owned mineral deposits. During extraction of the mineral resources, the mineral owner is required to take measures to protect Federal surface resource values. The Forest Service must analyze the effects of the proposed mineral extraction and determine what mitigation measures should be specified. Currently, there are no regulations describing the process to be followed by the Forest Service or the private mineral owner.

The regulatory approach has not yet been determined. A working group was formed in February 1989 to begin to determine the scope, form, and details to be included in a proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Forest Service, USDA, Department of Agriculture, Forest Service, P.O. Box 96090,

USDA—FS **Proposed Rule Stage**

Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AA99

254. DISPOSAL OF QUARTZ MINERAL ON THE OUACHITA NATIONAL FOREST

Legal Authority: PL 100-446, Sec 323; 30 USC 601, 603

CFR Citation: 36 CFR 228 Subparts C to D

Legal Deadline: None

Abstract: This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB01

255. FEDERAL CAVE RESOURCES PROTECTION

Significance: Agency Priority

Legal Authority: PL 100-691

CFR Citation: 36 CFR 290 Subpart A (New)

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: These regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/89	54 FR 9066
ANPRM Comment Period End	04/03/89	54 FR 9066
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB02

256. PRE-AWARD INFORMATION REQUIREMENTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.101

Legal Deadline: None

Abstract: Recently, as the number of timber sale defaults have increased, the number of debarred purchasers have increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing false claims would be cause for contract cancellation and debarment action.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, WAshington, DC 20090-6090, 202 235-1488

RIN: 0596–AB03

257. FOREST SERVICE WILDERNESS MANAGEMENT POLICY

Significance: Agency Priority

Legal Authority: 16 USC 1121; 16 USC 1131 to 1136 Wilderness Act

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to Chapter 2320, Forest Service Manual (FSM), are proposed to remove barriers to implementation of the National Recreation Strategy. Also includes revisions needed to be consistent with 36 CFR 261, 293 (see RIN 0596-1139). Changes will include guidance on access by people with disabilities, expanded policy on controlling insect and disease outbreaks, amending prohibited activities to include competitive events and use of hang gliders, parachutes and parasails as aircraft. The policy will incorporate Congressional Grazing Guidelines, provide more specific direction for wildlife and fish management, and will also include guidance on structures, cultural resources, research and law enforcement in wilderness.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
NPRM Comment Period End	06/15/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB04

258. NATIONAL ENVIRONMENTAL POLICY ACT REVISED IMPLEMENTING POLICY AND PROCEDURES

Significance: Agency Priority

Legal Authority: PL 91-190; PL 91-224

USDA—FS

Proposed Rule Stage

CFR Citation: 40 CFR 1500; 40 CFR 1501; 40 CFR 1502; 40 CFR 1503; 40 CFR 1504; 40 CFR 1505; 40 CFR 1506; 40 CFR 1507; 40 CFR 1508

Legal Deadline: None

Abstract: This action is an update and revision of National Environmental Policy Act compliance policy and procedures to address changes caused by changing conditions and recent case law. It includes establishment of categories of actions excluded from documentation in EA or EIS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regualtory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB05

259. RECREATION RESIDENCE AUTHORIZATION POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The policy for administering recreation residences on National Forest lands was adopted August 16, 1988 (53 FR 30924) and subsequently appealed under the administrative appeal process (36 CFR 211.18). In rendering his decision on the appeal the Assistant Secretary of Agriculture for Natural Resources and Environment suspended certain provisions related to tenure and the offering of in-lieu sites; designated the remaining features interim policy; and directed the Chief of the Forest Service to review and reconsider the entire policy (54 FR 23499: June 1, 1989). The policy is being reconsidered and alternatives are being developed. The purpose of the policy is to improve the administration of recreation residence permits and implement a revised fee schedule that obtains fair market value for the use. The policy affects about 15,800 permittees.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/89	54 FR 38700
ANPRM Comment Period End	11/20/89	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	11/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB06

260. FEE POLICY FOR RESERVOIRS

Significance: Agency Priority

Legal Authority: 43 USC 1764 Federal Land Policy and Management Act

CFR Citation: 36 CFR 251.57

Legal Deadline: None

Abstract: The Forest Service proposes to change the policy and procedure for determining the land use rental fees for dams and reservoirs located on National Forests lands that are authorized by special use authorizations. This would eliminate the need for individual appraisals of reservoir areas and would reduce the cost of administering the special use permits. The fees would be comparable to the fees charged by the Federal Energy Regulatory Commission for reservoirs on Federal lands. There would be no change in the fee waiver policy for reservoirs. Reservoirs that are currently exempt by law from payment of land use rental fees would not be affected by the proposed change in policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB07

261. ● GRADUATED RATE FEE SYSTEM

Significance: Agency Priority

Legal Authority: 16 USC 497b; 16 USC 497

CFR Citation: 36 CFR 251.54 Rental Fees

Legal Deadline: None

Abstract: There is a need to provide for public review of Forest Service policy and special use permit clauses for the Graduated Rate Fee System. These have not had public review in the past.

Timetable:

Action	Date	FR Cite
NPRM	09/01/90	
NPRM Comment Period End	11/01/90	
Final Action	02/01/91	
Final Action Effective	04/01/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, D. C. 20090-6090, 202 235-1488

RIN: 0596–AB11

262. ● EXPANDED USE OF PROSPECTING PERMITS AND PREFERENCE RIGHT SALES FOR MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Currently rules pertaining to prospecting permits and preference right negotiated sales apply only to minerals on acquired National Forest lands. This limitation is felt to encourage parties to locate mining claims on other National Forest lands under the mining laws of 1872, when it would be more appropriate to apply for a sale of mineral materials. This proposed rule would expand the use of prospecting permits to other National

USDA—FS **Proposed Rule Stage**

Forest System lands and responds to a recent change in the definition of mineral materials and clarification of those minerals that are subject to mining claims and those that are subject to sale.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, D. C. 20090-6090, 202 235-1488

RIN: 0596–AB12

263. ● OLD-GROWTH VALUES AND DEFINITION—POLICY

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1603; 5 USC 301; 16 USC 528

CFR Citation: None

Legal Deadline: None

Abstract: Will incorporate into the Forest Service Manual the key provisions of the position statement on National Forest old-growth values and the generic definition and description of old-growth forests, which were approved by the Chief on October 11, 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB13

264. ● RULEMAKING: IMPLEMENTATION AND REVISION OF FOREST PLANS

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219.10

Legal Deadline: None

Abstract: The rules at 36 CFR 219.10 address general procedures for forest planning, including revision and implementation of forest plans. The Forest Service is beginning a revision process that based on existing regulations, is costly and time consuming. The agency continues to receive public inquiry about how forest plans are amended and revised, and the 2 level decisionmaking process. This rulemaking seeks to simplify the revision process and clarify some of the public concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB14

265. ● INTERVENTION IN APPEALS

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: The current rule at 36 CFR Part 217 provides for a streamlined intervention process. Intervention is granted if requested within 20 days of the filing of a notice of appeal. If request is timely, intervenors have an additional 30 days after receiving a copy of the Notice of Appeal from the Reviewing Officer to file comments on issues raised in the Notice of Appeal. Three problems have surfaced with this process: the definition of "filing"; timeframes available for requesting intervention; and the actual comments that intervenors are to submit. To resolve these problems, the agency is proposing that: the 20-day period for filing notice of intervention start on the day following the end of the period available for filing an appeal and timely intervenors would have until the record is closed, 50 days following the end of the period available for filing an appeal, to provide their comments; and the Reviewing Officer would provide a list of appeals of specific decisions to interested persons upon request.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB15

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS) **Final Rule Stage**

266. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None

Abstract: The objective is to establish the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports.Because this rule is limited to agency organization and administration, it is exempt from notice and comment

and thus will be published as a final rule. (FS 85-012)

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA24

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267. ACCESS TO NON-FEDERAL LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None

Abstract: The regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37795
NPRM Comment Period End	11/28/88	
Extension of Comment Period	11/30/88	53 FR 48278
Comment Period End	01/30/89	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA31

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268. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None

Abstract: The objective of this action is to permit Forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four-wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. This rule will clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35526
NPRM Comment Period End	11/14/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA38

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269. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS; CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487 Title V

CFR Citation: 36 CFR 241, (New)

Legal Deadline: None

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemented by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13199
NPRM Comment Period End	06/29/89	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA41

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270. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716 102 Stat 1086

CFR Citation: 36 CFR 254, Subpart A

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, and clarify ambiguities.

USDA—FS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34368
NPRM Comment Period End	10/02/89	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA42

271. SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. Based on comments received in response to the 9/25/87 proposal, review of market data and Congressional direction, the agency is withdrawing its 1987 proposal and offering a new proposal.

The proposed policy will be consistent with the current standards and establish procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45889
NPRM Comment Period End	01/22/85	
Final Policy	06/13/85	50 FR 24788
Request Comments on Final Policy	02/03/86	51 FR 4264
Revised Proposed Policy	09/25/87	52 FR 36075
Proposed Policy Comment Period End	11/09/87	
New Proposed Policy	12/28/89	54 FR 53345
Proposed Policy Comment Period End	01/28/90	
Proposed Policy Comment Period End	02/12/90	54 FR 53345
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA43

272. DEFINITION OF COMMON VARIETY MINERAL MATERIALS

Legal Authority: 30 USC 601 to 604; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c; 16 USC 508b; 66 Stat. 285; 16 USC 521a; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 Surface Resources Act, which defined common varieties, it is clear that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15236
NPRM Comment Period End	06/27/88	53 FR 15236
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA44

273. LEASABLE MINERALS OTHER THAN OIL AND GAS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228, Subparts F to H (New)

Legal Deadline: None

Abstract: These subparts will set forth the rules by which the Forest Service will process and respond to proposals received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which have resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently. Action on this proposal has had to be deferred until completion of oil and gas leasing final rule (0596-AA82).

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	
Final Action Effective	07/00/90	
NPRM	12/00/90	
NPRM Comment Period End	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of

USDA—FS

Final Rule Stage

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA46

274. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA52

275. PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule has been delayed in order to receive and consider a final report from the National Academy of Sciences on "Guidelines for Paleontological Collecting."

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA56

276. SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Final Action	09/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this entry will be delayed to obtain advice of the Comptroller General.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA94

277. DOUGLAS-FIR LUMBER PRICE INDEX REVIEW

Legal Authority: 16 USC 528 to 531; 16 USC 1600 to 1614

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The Agency has decided to continue to use the Douglas-fir lumber price indexes used to appraise public timber offered for sale and to adjust prices billed for timber already under

USDA—FS

Final Rule Stage

contract in Northwestern California and the Pacific Northwest Coastal Regions.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB00

278. HELLS CANYON NATIONAL RECREATION AREA—USE OF NATIONAL FOREST LANDS

Significance: Agency Priority

Legal Authority: 16 USC 460(gg) Hell's Canyon National Recreation Area

CFR Citation: 36 CFR 292 F (New)

Legal Deadline: None

Abstract: In Oregon Natural Resource Council v Lyng, the 9th Circuit Court of Appeals ruled that the Secretary must promulgate regulations as required by the Hells Canyon National Recreation Act (HCNRA) governing federal and private land uses in the HCNRA. The Department had argued that such rules were discretionary and the agency's comprehensive management plan for the NRA, which was prepared as required by the Act, was sufficient to guide management of the area. As a result of the court's ruling, the risk of litigation to halt ongoing activities, particularly timber sales, is high. Accordingly, there is an urgent need to promulgate an interim rule governing management of the federal lands in the HCNRA. While many existing regulations governing National Forest System lands, remain applicable to the Hells Canyon NRA, pending projects and plans are vulnerable to continued litigation until final rules are effective. An interim rule is the most expeditious way to effect rules. Public comment will be invited on the interim rule and will be considered in development of the final rule. (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/89	54 FR 41089
Interim Final Rule Comment Period End	12/04/89	
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The only alternative to the court ruling to promulgate rules is to publish a proposed rule rather than interim rules. This is unacceptable because of the potential for disruption to management of the area and the regulatory void that would be created by the longer time frames involved in going through a Notice of Proposed Rulemaking.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB08

279. GIVING NOTICE OF DECISIONS SUBJECT TO APPEAL

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: This interim rule would require Deciding Officers to give notice of decisions in newspapers of general circulation or, in some cases, the Federal Register. The appeal filing period would begin the day after the notice is published. It is necessary to make the rule effective upon publication to bring order and consistency to the agency's appeal process. The rulemaking would also clarify grounds for dismissal of an appeal without a decision on the merits, make clear that dismissal decisions are subject to discretionary review at a higher level, and require appellants to submit 2 copies of a notice of appeal when the notice is 10 pages or longer, and delay implementation of a decision for 7 days following publication of legal notice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/90	55 FR 7892
Interim Final Rule Effective	04/05/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596–AB10

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Completed Actions

280. GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

CFR Citation: 36 CFR 222.53; 36 CFR 222.54

Completed:

Reason	Date	FR Cite
Final Action	01/26/90	55 FR 2646
Final Action Effective	03/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA55

281. LAW ENFORCEMENT SUPPORT ACTIVITIES

CFR Citation: 36 CFR 262

USDA—FS

Completed Actions

Completed:

Reason	Date	FR Cite
Merged with RIN 0596-AA75	02/06/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA65

282. OIL AND GAS RESOURCES

Significance: Regulatory Program

CFR Citation: 36 CFR 228, Subpart E

Completed:

Reason	Date	FR Cite
Final Action	03/21/90	55 FR 10423
Final Action Effective	04/20/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA82

283. ISOLATED CABIN POLICY

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
No further action at this time	03/28/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA85

284. IMPLEMENTATION OF NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS

Significance: Agency Priority

CFR Citation: 36 CFR 219

Completed:

Reason	Date	FR Cite
Merged with RIN 0596-AB14	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 202 235-1488

RIN: 0596–AB09

BILLING CODE 3410-11-T

DEPARTMENT OF AGRICULTURE (USDA)

Office of Finance and Management (OFM)

Final Rule Stage

285. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 7 CFR 1

Legal Deadline: Final, Statutory, April 21, 1987.

Abstract: Sets forth USDA'a Administrative Process and Procedures to recompense the Government for false, fictitious and fraudulent claims and statements arising in programs administered by USDA agencies.

Timetable:

Action	Date	FR Cite
NPRM	01/08/90	55 FR 636
NPRM Comment Period End	02/07/90	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Room 118-W Administration Building, Washington, D. C. 20250, 202 447-8345

RIN: 0505–AA05

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)

Packers and Stockyards Administration (P&SA)

Proposed Rule Stage

286. ● GENERAL BONDING REGULATIONS

Legal Authority: 7 USC 222; 7 USC 228

CFR Citation: 9 CFR 201.27; 9 CFR 201.28; 9 CFR 201.33; 9 CFR 201.35

Legal Deadline: None

Abstract: The proposed changes in the regulations would reduce the time for filing bond claims from 120 days to 60 days and the waiting period for filing suit to recover under a bond from 180 to 120 days. The proposal would also consolidate the regulations to provide uniform requirements for all bonds and bond equivalents required under the Packers and Stockyards Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250, 202 447-7063

RIN: 0590–AA06

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Proposed Rule Stage

287. ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1718

Legal Deadline: None

Abstract: To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA23

288. LOAN SECURITY DOCUMENTS—TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1758

Legal Deadline: None

Abstract: This new part provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA30

289. REA POLICY ON AUDITS OF ELECTRIC AND TELEPHONE BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1789

Legal Deadline: None

Abstract: As a result of an audit of REA's Oversight of Program Operations Through the Use of CPA's performed by the Department of Agriculture's Office of Inspector General, REA must revise its current regulations to require the independent certified public accountant to perform the annual audit of an REA borrower in accordance with generally accepted government auditing standards, thereby expanding the scope of the financial audit previously submitted in accordance with 7 CFR 1789 to include a determination of whether the borrower has complied with the applicable laws and regulations for those transactions and events reported in the financial statements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA36

290. ● RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; PL 100-203

CFR Citation: 7 CFR 1709.10 to 1709.31

Legal Deadline: None

Abstract: This subpart contains policies, requirements and procedures that implement a rural economic development loan and grant program established by Section 313 of the Rural Electrification Act of 1936, as amended (RE Act). The program provides zero interest loans and grants to RE Act borrowers for the purpose of promoting rural economic development and job creation projects.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA37

291. ● REA REQUIREMENTS FOR ENGINEERING AND ECONOMIC SUPPORT REQUESTS FOR LOANS AND LOAN GUARANTEES FOR NEW GENERATION AND RELATED TRANSMISSION FACILITIES

Significance: Regulatory Program

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1710.200 to 1710.211

Legal Deadline: None

Abstract: This regulation formalizes requirements that REA borrowers seek out economical proposals for new generation resources from the traditional sources (such as investor owned utilities and governmental power organizations and joint use with other utilities) as an integral part of new capacity resource planning requirements.

The regulation will also require that REA financed borrowers adequately consider the availability of power from Independent Power Producers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

USDA—REA **Proposed Rule Stage**

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA38

292. ● MEMBER CREDIT SUPPORT OF POWER SUPPLY BORROWERS

Significance: Regulatory Program

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1710.700 to 1710.713

Legal Deadline: None

Abstract: This regulation establishes REA policy and procedures requiring certain power supply borrowers to obtain credit support from member owners in connection with new loans or loan guarantees made by REA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA39

293. ● FEDERAL PRE-EMPTION IN RULE MAKING IN CONNECTION WITH POWER SUPPLY BORROWERS

Significance: Regulatory Program

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1714.500 to 1714.509

Legal Deadline: None

Abstract: This regulation addresses the pre-emption under certain circumstances of the regulation of power supply borrowers' rates by State Regulatory Authorities and the assumption of exclusive jurisdiction over rates by REA.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12194
NPRM Comment Period End	06/01/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA40

294. ● WHOLESALE CONTRACTS FOR THE PURCHASE AND SALE OF ELECTRIC POWER AND ENERGY

Significance: Regulatory Program

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1714.600 to 1714.609

Legal Deadline: None

Abstract: This regulation revises REA policies and procedures relating to wholesale power contracts and requires each REA borrower to condition the effectiveness of any contract for the sale or purchase of electric energy upon the approval of the REA administrator.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA41

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA) **Final Rule Stage**

295. LIST OF STANDARD FORMS OF TELECOMMUNICATIONS CONTRACTS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1762.1

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1762 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

Timetable:

Action	Date	FR Cite
NPRM	10/25/89	54 FR 43429
Federal Register Correction	11/01/89	54 FR 46187
NPRM Comment Period End	12/26/89	54 FR 43429
Final Action	06/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA20

296. ● PREPAYMENT OF REA GUARANTEED FEDERAL FINANCING BANK LOANS - ELECTRIC

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; PL 99-509; PL 100-202; PL 100-203; PL 100-460

CFR Citation: 7 CFR 1786

Legal Deadline: None

USDA—REA **Final Rule Stage**

Abstract: This amendment establishes policies and procedures to implement the provisions of the RE Act (7 USC 901 et. seq.); PL 99-509; PL 100-202; PL 100-203; and PL 100-460 authorizing the prepayment at par value of certain guaranteed FFB loans by electric borrowers.

Timetable:

Action	Date	FR Cite
NPRM	01/11/90	55 FR 1152
NPRM Comment Period End	02/12/90	55 FR 1152
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063 South Building, Washington, D. C. 20250, 202 382-9552

RIN: 0572–AA42

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Completed Actions

297. TELEPHONE SYSTEM CONSTRUCTION CONTRACT

Significance: Agency Priority

CFR Citation: 7 CFR 1762

Completed:

Reason	Date	FR Cite
Final Action	01/03/90	55 FR 130
Final Action Effective	01/03/90	55 FR 130

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA21

298. PROCEDURES FOR SECURING RURAL ELECTRIFICATION ADMINISTRATION APPROVAL OF CONSOLIDATING/MERGER ELECTRIC BORROWERS

Significance: Agency Priority

CFR Citation: 7 CFR 1710.95 to 1710.99; 7 CFR 1710.100 to 1710.104

Completed:

Reason	Date	FR Cite
Withdrawn Prior to Publication	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA25

299. FINANCIAL MANAGEMENT AND FORECASTING FOR ELECTRIC DISTRIBUTION BORROWERS

Significance: Agency Priority

CFR Citation: 7 CFR 1716

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA26

300. PREPAYMENT OF REA GUARANTEED FEDERAL FINANCING BANK LOANS

Significance: Agency Priority

CFR Citation: 7 CFR 1786

Completed:

Reason	Date	FR Cite
Final Action	01/11/90	55 FR 1142
Final Action Effective	02/12/90	55 FR 1142

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA29

301. TELEPHONE MATERIALS, EQUIPMENT, AND CONSTRUCTION - TELEPHONE PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1765

Completed:

Reason	Date	FR Cite
Final Action	02/02/90	55 FR 3570

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA31

302. CRITERIA FOR SECURING REA APPROVAL OF ASSET SALES BY ELECTRIC BORROWERS

Significance: Agency Priority

CFR Citation: 7 CFR 1715.60 to 1715.79 Subpart B

Completed:

Reason	Date	FR Cite
Withdrawn Prior to Publication	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D, Stockton, Jr. 202 382-9552

RIN: 0572–AA33

303. LIST OF STANDARD FORMS OF ELECTRIC CONTRACTS - REA FORM 830 ELECTRIC SYSTEM CONSTRUCTION CONTRACT AND REA FORM 831 ELECTRIC TRANSMISSION CONSTRUCTION CONTRACT

Significance: Agency Priority

CFR Citation: 7 CFR 1735.1

Completed:

Reason	Date	FR Cite
Withdrawn Prior to Publication	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA34

USDA—REA — **Completed Actions**

304. REA BULLETIN 50-6 (D-806), SPECIFICATION AND DRAWINGS FOR UNDERGROUND ELECTRIC DISTRIBUTION

Significance: Agency Priority

CFR Citation: 7 CFR 1736.97

Completed:

Reason	Date	FR Cite
Final Action	03/09/90	55 FR 8907
Final Action Effective	03/09/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA35

BILLING CODE 3410-15-T

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Soil Conservation Service (SCS)

305. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None

No action required. A governmentwide regulation has been issued.

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of Federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services, Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA12

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Soil Conservation Service (SCS)

306. SOIL SURVEYS

Legal Authority: PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA00

307. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: PL 50-46

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA01

308. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, PL 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

USDA—SCS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	07/01/90	
Final Action Effective	07/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services, Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Building, Washington, DC 20013, 202 447-4811

RIN: 0578–AA14

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Office of Operations (OO)

309. AGRICULTURE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453, (Revision)

Legal Deadline: None

Abstract: This rule anticipates miscellaneous changes to the Department of Agriculture Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Don F. Manns, Chief, Procurement Division, Department of Agriculture, Office of Operations, Procurement Division, 1550-South, Washington, DC 20250, 202 447-3037

RIN: 0599–AA00

BILLING CODE 3410-01-T

[FR Doc. 90-6973 Filed 04-20-90; 8:45 am]

Federal Register

Monday
April 23, 1990

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, IV, VII, VIII, IX

19 CFR Ch. III

37 CFR Chs. I, IV

48 CFR Ch. 13

50 CFR Chs. II, III, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: April 1990 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub.L. 96-354), the Department of Commerce in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the October 1989 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's April 1990 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1990, through March 31, 1991.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-8843.

SUPPLEMENTARY INFORMATION: Executive Order 12291 requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this order. Office of Management and Budget (OMB) Bulletin No. 90-03, issued December 1, 1989, establishes guidelines and procedures for the preparation and publication of the April 1990 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the 12-month period succeeding publication: The title of the regulation; the name, title, address, and phone number of an agency person who is knowledgeable about the regulation; whether the action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law, or Executive order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action. In addition, the Bulletin requires that procurement-related regulatory actions include additional information on all actions that are covered by section 22 of the Office of Federal Procurement Policy Act Amendments of 1988 and all other actions that will result in a change or addition to the Federal Acquisition Regulation System. This procurement-related information is listed under **ADDITIONAL INFORMATION** and will be used by the Office of Federal Procurement Policy in preparing the "Procurement Regulatory Activity Report."

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office, issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS) issued by NIST under Public Law 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines and in providing technical guidance and coordination to Federal agencies, NIST works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be

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prepared for fisheries which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council's process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, NMFS does not have specific plan objectives or alternatives for management, since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC April 1990 regulatory agenda follows.

Dated: February 23, 1990.

Wendell L. Willkie II

General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
310	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
311	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
312	Program Fraud Civil Remedies	0690-AA14

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
313	Increase in Exemption Level of the BE-11, Annual Survey of U.S. Direct Investment Abroad	0691-AA16

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
314	Benchmark Survey of U.S. Direct Investment Abroad - 1989	0691-AA15

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
315	Foreign Trade Statistics Regulations	0607-AA10

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Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
316	Foreign Trade Statistics Regulations (FTSR)	0607-AA12

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
317	General Requirements for Financial Assistance—Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
318	Economic Development Administration: Property Management Standards	0610-AA07
319	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
320	Overall Economic Development Program; Public Works and Development Facilities Program	0610-AA19
321	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
322	General Requirements for Financial Assistance—Nonrelocation	0610-AA32
323	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
324	Adjustment Grants—Revolving Loan Funds	0610-AA37
325	Economic Development Districts, District Organization; Civil Rights Requirements	0610-AA38
326	Area Designation - Special Impact Areas	0610-AA39
327	Public Works - Industrial Parks and Sites	0610-AA40
328	Public Works and Development Facilities Programs - Grant Disbursements	0610-AA42
329	General Requirements for Financial Assistance - Electric and Gas Facilities	0610-AA43
330	Overall Economic Development Program - Progress Report	0610-AA44
331	Environmental Requirements	0610-AA45

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
332	Liability for Hazardous Substances Associated with EDA Loans and Loan Guarantees	0610-AA36
333	Direct and Supplementary Grants for Public Works and Development Facilities - Supplementary Grant Rates	0610-AA41

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
334	Nonprocurement Debarment and Suspension	0605-AA02

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
335	Uniform Administrative Requirements for Grants and Cooperative Agreements	0605-AA04
336	Nonprocurement Debarment and Suspension and Government Requirements for Drug-Free Workplace (Grants)	0605-AA05
337	New Restrictions on Lobbying	0605-AA06

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International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
338	Antidumping Duties	0625-AA29
339	Allocation of Apparel Tariff-Rate Quota Under the U.S.-Canada Free Trade Agreement	0625-AA30

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
340	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
341	Adjustment Assistance for Firms and Industries	0625-AA05
342	Countervailing Duties	0625-AA31
343	Antidumping Duties; Countervailing Duties	0625-AA32
344	Procedures and Rules for Implementing Article 1904 of the United States-Canada Free Trade Agreement	0625-AA33
345	Short Supply Procedures for ITA	0625-AA34

Bureau of Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
346	Revisions to Short Supply Regulations	0694-AA01
347	Defense Priorities and Allocations System (DPAS)	0694-AA02
348	Definition of Supercomputer	0694-AA03
349	Amendment of Validated License Controls on Magnetically Enhanced Sputtering Equipment	0694-AA05
350	Exports from Abroad of Foreign Products Incorporating U.S.-Origin Parts and Components	0694-AA06
351	General License GFW	0694-AA07
352	Exports of Medical Equipment and of Commodities Controlled Because They Contain Controlled Parts and Components	0694-AA09
353	Revision of Foreign Availability Regulations	0694-AA10
354	Revision of Foreign Boycott Provisions of Export Administration Regulations	0694-AA11
355	General License G-TEMP; Temporary Export	0694-AA12
356	Intra-CoCom	0694-AA13
357	Shipper's Export Declaration: Removal of Requirement that Separate Declarations Must Be Filed for General License and Validated License Commodities in the Same Shipment	0694-AA14
358	Revision of General License GIFT	0694-AA26
359	Change in Reporting Requirements for the Special Licenses	0694-AA27
360	Elimination of Submission Requirement for Certain Supporting Documents	0694-AA28
361	Amendments to Enforcement and Administrative Proceedings	0694-AA29
362	Foreign Availability Assessments: Initiation of an Assessment on "Stored Program Controlled" Die (Chip) Mounters and Bonders	0694-AA31
363	Expansion and Imposition of Foreign Policy Controls on Chemical Weapon Precursors	0694-AA32
364	Removal of General License G-FTZ; Exports of Petroleum Commodities from U.S. Foreign-Trade Zones and from Guam	0694-AA35
365	Guidelines for Export Transactions Involving Chemical Processing Equipment	0694-AA37
366	Voluntary Self-Disclosures	0694-AA38
367	Increase in the Dollar Value Limit Exemption from the Shipper's Export Declaration Filing Requirement	0694-AA39
368	Amendments to Parts 787 and 788: Export Enforcement and Administrative Proceedings	0694-AA40
369	Validated License Controls on Genetically Modified Organisms	0694-AA42
370	Notice of Foreign Availability Assessment Initiation of an Assessment on Polycrystalline Silicon Rods and Chunks	0694-AA44
371	Notice of Initiation of Foreign Availability Assessment on High Purity Polycrystalline Silicon	0694-AA45

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Bureau of Export Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
372	Revisions to the Export Administration Regulations Based on CoCom Review	0694-AA16
373	General License GTDA: Technical Data Available to All Destinations	0694-AA17
374	Notice of Positive Foreign Availability Determination for Prepreg Production Equipment and of President's National Security Override	0694-AA30
375	Revisions to the Commodity Control List Based on COCOM Review; Chemical and Petroleum Equipment; Transportation Equipment; Electronics and Precision Instruments; Chemicals, (cont)	0694-AA33
376	Quarterly Review of the Commodity Control List	0694-AA34
377	Removal of Foreign Policy Controls to Kama River/Zil	0694-AA36
378	Notice of Positive Determination of Foreign Availability for Certain Low Capacity Hard Disk Drives	0694-AA41
379	Exports of Certain Alaska Crude Oil to Canada	0694-AA43
380	Notice of Negative Foreign Availability Determination on Array Processors to the People's Republic of China	0694-AA46
381	Petroleum Exports to be Used on Vessels and Aircraft	0694-AA47

National Institute of Standards & Technology—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
382	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks (cont)	0693-AA39
383	FIPS for C Programming Language	0693-AA48
384	FIPS for Recorded Formats for One- and Two-Sided 5.25 Inch (130 mm) and 3.5 Inch (90 mm) Flexible Disk Cartridges	0693-AA54
385	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 Track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
386	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
387	FIPS for Applications Portability Profile	0693-AA65
388	FIPS for Conformance Testing Policy and Procedures	0693-AA66
389	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard	0693-AA68
390	FIPS for POSIX System Administration	0693-AA71
391	FIPS for Digital Cartographic Data	0693-AA73
392	FIPS for Open Systems Interconnection (OSI) Transport Layer Security Protocol (SP4)	0693-AA75
393	FIPS for IRDS Export/Import File Format	0693-AA76
394	FIPS for IRDS Services Interface	0693-AA77
395	Proposed Revision of FIPS 120 Graphical Kernel System	0693-AA80
396	Proposed Revision of FIPS 54 COM Formats and Reductions Ratios, 16MM and 105MM	0693-AA81
397	Manufacturing Technology Centers	0693-AA82

National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
398	Revision of FIPS 151, POSIX: Portable Operating System Interface for Computer Environments	0693-AA49
399	FIPS for Electronic Business Data Exchange	0693-AA62
400	Extensions to FIPS 127, Database Language SQL	0693-AA63
401	FIPS for Document Application Profile (DAP) for the Office Document Architecture (ODA) and Interchange Format Standard	0693-AA67
402	Revision of FIPS 146, Government Open Systems Interconnection Profile (GOSIP)	0693-AA69
403	FIPS for POSIX Shell and Tools	0693-AA70
404	FIPS for User Interface Component of the Applications Portability Profile	0693-AA72
405	FIPS for Fiber Distributed Data Interface (FDDI)	0693-AA74
406	Proposed FIPS for GOSIP Conformance and Interoperation Testing and Registration	0693-AA79
407	Advanced Technology Program (ATP) Procedures	0693-AA83
408	Notice of Availability of Funds for State Technology Extension Services	0693-AA84

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National Institute of Standards & Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
409	FIPS PUB 21-3, COBOL	0693-AA78

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
410	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
411	Regulations on Striped Bass in Exclusive Economic Zone Off North East Atlantic Coast	0648-AB25
412	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery Off Alaska; Regulatory Amendment	0648-AB51
413	Amendment 1 to the Swordfish FMP	0648-AB92
414	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
415	Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan	0648-AC43
416	Policy to Require Observers to be Carried on Domestic Fishing Vessels	0648-AC45
417	Scientific Research - Domestic and Foreign Fishing	0648-AC61
418	Regulation to Control Illegal Fishing in the Exclusive Economic Zone (EEZ) and Overfishing Outside the EEZ	0648-AC66
419	Regulatory Amendment for Interaction Between Summer Flounder Fishery and Endangered Species	0648-AC67
420	Resubmitted Part of Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC75
421	Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagic Resources	0648-AC77
422	Amendment 19 to the FMP for Groundfish of the Gulf of Alaska and Amendment 14 to the FMP for Groundfish of the Bering Sea and Aleutian Islands	0648-AC80
423	Amendment 1 to the Fishery Management Plan for the Summer Flounder Fishery	0648-AC83
424	Amendment 10 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California Commencing in 1978 (FMP)	0648-AC85
425	Regulatory Amendment to the Fishery Management Plan for the Gulf of Mexico and South Atlantic Spiny Lobster Fishery	0648-AC86
426	Regulatory Amendment to the Fishery Management Plan for Atlantic Billfish	0648-AC87
427	Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC88
428	Amendment 6 to the Northern Anchovy Fishery Management Plan	0648-AC95
429	Amendment 2 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AC96
430	Regulatory Amendment To Establish a Special Management Zone (SMZ) in Dade County, Florida	0648-AC97
431	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands: Regulatory Amendment	0648-AC98
432	Amendment 4 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery	0648-AC99
433	Atlantic Bluefin Tuna Fishery	0648-AD01
434	Depletion of the Coastal-Migratory Stock of Bottlenose Dolphins in the U.S. Mid-Atlantic	0648-AD02
435	Repealing Registration Program that Hook and Line Vessels Would Have to Provide by GOA Groundfish Fishery	0648-AD06
436	List Winter-Run Chinook Salmon of the Sacramento River as a Threatened Species Under the Endangered Species Act	0648-AD07
437	Amendment 2 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AD10
438	Revised Regulations Governing Permits for the Taking and Importing of Marine Mammals for Scientific Research and Public Display	0648-AD11
439	Secretarial Fishery Management Plan for Atlantic Ocean Sharks	0648-AD12
440	Listing of Northern Sea Lions in Central and Western Alaska as Threatened Under the Endangered Species Act	0648-AD13
441	Western Pacific Bottomfish and Seamount Groundfish Fisheries- Amendment 3 to Define Overfishing	0648-AD14
442	Western Pacific Precious Corals - Amendment 2 to Define Overfishing	0648-AD16
443	Fishery Management Plan for the Red Drum Fishery of the South Atlantic	0648-AD17
444	Amendment 16 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands and Amendment 21 to the FMP for Groundfish of the Gulf of Alaska	0648-AD18
445	Amendment 15 to the Fishery Management Plan for the Bering Sea and Aleutian Islands and Amendment 20 to the FMP for Groundfish of the Gulf of Alaska	0648-AD19
446	Amendment 4 to the American Lobster Fishery Management Plan	0648-AD20
447	Amendment 2 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AD21

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National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
448	Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic	0648-AD22
449	Amendment 3 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AD23
450	Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AD24
451	Regulations Governing the Take of Dolphins Incidental to Removing Oil and Gas Platforms in the Gulf of Mexico	0648-AD25
452	Foreign Fishing Poundage and Permit Fees, 1991	0648-AD26
453	Amendment 1 to the Shallow-water Reeffish Fishery of Puerto Rico and the U.S Virgin Islands	0648-AD27
454	Corals and Coral Reefs of the Gulf of Mexico and the South Atlantic-Amendment 1 to Define Overfishing	0648-AD28
455	Approaching Marine Mammals	0648-AD30
456	Regulations Governing U.S. Fishing in Columbian Treaty Waters	0648-AD31
457	Stone Crab Fishery of the Gulf of Mexico - Amendment 4 to Define Overfishing	0648-AD32
458	Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AD33
459	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
460	Fagatele Bay National Marine Sanctuary	0648-AA74
461	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
462	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
463	Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary	0648-AC05
464	Proposed Regulations for the Monterey Bay National Marine Sanctuary	0648-AC63
465	The Monitor National Marine Sanctuary	0648-AC78
466	Regulation Implementing 1990 Amendments to Section 315 of the Coastal Zone Management Act	0648-AC90
467	Proposed Regulations for the Northern Puget Sound National Marine Sanctuary	0648-AC91
468	Proposed Regulations for the Norfolk Canyon National Marine Sanctuary	0648-AC92
469	Proposed Regulations for the Western Washington Outer Coast National Marine Sanctuary	0648-AC93
470	Proposed Regulations for the Stellwagen Bank National Marine Sanctuary	0648-AC94
471	Regulations Implementing 1990 Reauthorization of the Coastal Zone Management Act	0648-AD09
472	National Sea Grant Program Funding Regulations	0648-AC54
473	Licensing of Private Remote Sensing Space Systems	0648-AC64

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
474	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
475	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom, etc	0648-AA46
476	U.S. General Standards for Grades of Shrimp	0648-AA47
477	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
478	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
479	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
480	U.S. Standards for Grades of Fish Fillets	0648-AC12
481	Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries	0648-AC19
482	Regulatory Amendment-Implementation of Conditionally Approved Measures Under Amendment 2 to the Spiny and Slipper Lobster FMP in the Gulf of Mexico and South Atlantic - Permits, Bag Limits	0648-AC25
483	Regulatory Amendment to the Fishery Management Plan for the Atlantic Swordfish Fishery	0648-AC41
484	Bluefish Fishery Management Plan	0648-AC51
485	Regulatory Amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC56
486	Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations	0648-AC65
487	Regulations Governing the Taking of Small Numbers of Marine Mammals Incidentally to Oil and Gas Exploration in the Beaufort and Chukchi Seas	0648-AC69
488	Foreign Fishing Poundage and Permit Fees, 1991	0648-AC70
489	Interim Fishing Vessel Capital Construction Fund Procedures	0648-AC71
490	Fishermen's Protective Act	0648-AC73
491	Resubmitted Part of Amendment 3 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AC89
492	Performance Standards for Tuna Vessel Operators	0648-AD03
493	Establishment of Allocative Management Measures for the Pacific Halibut Fishery in the Pribilof Islands	0648-AD05
494	Regulatory Amendment-South Pacific Tuna Fisheries	0648-AD15
495	Regulatory Amendment - U.S. Nationals Fishing in Soviet Fisheries	0648-AD29
496	Final Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49

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National Oceanic and Atmospheric Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
497	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
498	Amendment 1 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AC16
499	Fish and Seafood Promotion	0648-AC27
500	Amendment 3 to the American Lobster Fishery Management Plan	0648-AC28
501	Amendment 2 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic	0648-AC29
502	Reporting Requirements Governing Salmon Taken Off Alaska and Delivered or Landed Outside Alaska	0648-AC39
503	Atlantic Tuna Fisheries - Regulatory Amendment	0648-AC40
504	Regulatory Amendment to the Groundfish of the Bering Sea/ Aleutian Islands Area and Groundfish of the Gulf of Alaska Fishery Management Plans—Definition of Directed Fishing	0648-AC68
505	Amendment 18 to the FMP for Groundfish of the Gulf of Alaska and Amendment 13 to the FMP for Groundfish of the Bering Sea/ Aleutian Islands	0648-AC72
506	Amendment 3 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC79
507	Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648-AC81
508	Pacific Coast Groundfish Fishery - Regulatory Amendment to Facilitate Enforcement	0648-AC82
509	Blue Mussel Fishery Management Plan	0648-AC84
510	Amendment 3 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery	0648-AD00
511	Implement Observer Plan Under Amendments 13 and 18 to the Fishery Management Plans for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Area, and Gulf of Alaska	0648-AD04
512	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
513	Foreign Filing License Requirements	0651-AA09
514	Miscellaneous Changes in Patent Practice	0651-AA34
515	Patent and Trademark Assignment Rules	0651-AA43
516	Drawing Changes in Patents Cases	0651-AA44

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
517	Variety Denomination Requirements for Plant Patent Applications	0651-AA12
518	Duty of Disclosure - Information Disclosure Statement	0651-AA27
519	Requirements for Patent Applications Containing DNA/RNA and Protein Sequence Disclosures	0651-AA37

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
520	Patent and Trademark Automated Search System Fees	0651-AA40

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Technology Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
521	Administration of a Uniform Patent Policy with Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

Technology Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
522	Licensing of Government-Owned Inventions	0692-AA04

Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
523	Metric Conversion Policy for Federal Agencies	0692-AA07

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

310. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Office of Procurement and Administrative Services, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-5750

RIN: 0690–AA08

311. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Office of Procurement and Administrative Services, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue, NW., Washington, DC 20230, 202 377-5750

RIN: 0690–AA13

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Final Rule Stage

312. PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 15 CFR 25

Legal Deadline: None

Abstract: This rule, if promulgated, would implement the Program Fraud Civil Remedies Act of 1986 which authorizes the Department of Commerce (and certain other Federal agencies) to impose through administrative adjudication civil penalties and assessments against persons making false claims or statements to it.

Timetable:

Action	Date	FR Cite
NPRM	07/06/89	54 FR 28430
NPRM Comment Period End	08/07/89	54 FR 28430
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry Walz, Chief, Contract Law Division, Room 5893, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-1122

RIN: 0690–AA14

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

313. INCREASE IN EXEMPTION LEVEL OF THE BE-11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Legal Authority: 22 USC 3101 to 3108; Int'l Investment & Trade in Svcs. Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will raise the overall exemption level for the BE-11 Annual Survey of U.S. Direct Investment Abroad, and for reporting individual foreign affiliates on Forms BE-11B and BE-11C in that survey, from $10 million to $15 million. The purpose of the action is to bring the exemption level into conformance with that for Form BE-10B(LF) for reporting foreign affiliates in the Benchmark Survey of U.S. Direct Investment Abroad--1989. In addition, the action will require filing, in one or more annual surveys between benchmark surveys, Form BE-11C for nonbank foreign affiliates owned at least 10 percent, but less than 20 percent, by the U.S. reporter and for which total assets, sales, or net income exceeds $100 million. Some reporting between benchmark surveys by large, 10-20 percent-owned foreign affiliates is needed to support reliable estimates for the universe of all foreign affiliates.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	01/00/91	
Final Action Effective	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA16

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

314. BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD - 1989

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will replace the existing rule 15 CFR 806.16 with a new rule to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad--1989, as required by the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially Sec. 4(b) of the Act). The existing rule covers a similar survey for 1982, which has been completed and which the 1989 survey will update.

Timetable:

Action	Date	FR Cite
NPRM	10/06/89	54 FR 41275
Final Action	12/19/89	54 FR 51877
Final Action Effective	01/18/90	54 FR 51877

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA15

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

315. FOREIGN TRADE STATISTICS REGULATIONS

Significance: Regulatory Program

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None

Abstract: Review of 15 CFR 30 for changes to conform with the new statistical classification (harmonized) system for imports and exports. This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including metric measurements) and conformance of reporting with current practices. There should be no added burden or cost placed on the public because no additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between trade balances of the United States and of our major trading partners.

With the passage of the Omnibus Trade and Competitiveness Act of 1988 there is no alternative to making these changes in order to conform to the legislation.

Additionally, Section 30.24 will be revised to be consistent with Customs Regulations by eliminating the "four-day rule" regarding submission of "Shipper Export Declarations."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5342

RIN: 0607–AA10

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Final Rule Stage

316. FOREIGN TRADE STATISTICS REGULATIONS (FTSR)

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.58

Legal Deadline: None

Abstract: We propose to amend the Foreign Trade Statistics Regulations (FTSR) to raise the present exemption for filing Shipper's Export Declarations (SED's) (except for shipments requiring a validated export license) from $1500 to $2500. The exemption for shipments through the U.S. Postal Service will remain at $500. Congress, in Title 13 of the U.S. Code, has given the Secretary the responsibility for gathering accurate and useful trade statistics. The FTSR must be revised to achieve the savings to the public as well as the government.

This action will reduce the reporting burden on U.S. exporters as well as reducing the costs of processing the foreign trade statistics. The number of SED's filed will be reduced by over 1.5 million per year with minimal loss of data.

Timetable:

Action	Date	FR Cite
NPRM	11/16/89	54 FR 47686
NPRM Comment Period End	01/16/90	54 FR 47686
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Sectors Affected: All

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Foreign Trade Division, Washington, DC 20233, 301 763-5342

RIN: 0607–AA12

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

317. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

DOC—EDA

Final Rule Stage

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW., Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA05

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318. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds are being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW., Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA07

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319. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	06/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW., Washington, DC 20230, 202 377-5441

RIN: 0610–AA18

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320. OVERALL ECONOMIC DEVELOPMENT PROGRAM; PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue NW., Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA19

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321. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA31

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322. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure

to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48-month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/87	52 FR 21932
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA32

323. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	
Final Action Effective	04/00/90	
Proposed Legislation	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA35

324. ADJUSTMENT GRANTS—REVOLVING LOAN FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: This would amend EDA's rule on adjustment grants to provide that revolving loan fund (RLF) grants are held in trust by the grantee as trustee for the benefit of borrowers and potential borrowers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/88	53 FR 12510
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th St. & Constitution Ave., NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA37

325. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert Hoover Bldg., 14th St. Between Penn. and Const. Aves., NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA38

326. AREA DESIGNATION - SPECIAL IMPACT AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: EDA is deleting its 12-month annual average unemployment rate based upon the calendar year, for Special Impact Area (SIA) designation. Under the current calendar year qualifier, it would be possible that an area's qualifying calendar 1987 average rate could be used in support of its SIA designation as late as February 1989 regardless of a subsequently available, non-qualifying 12-month (non-calendar) rate. This could happen since 1988 calendar year average rates for areas

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will not be computed by state employment security agencies until February 1989, and EDA will not receive such data until March 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/14/88	53 FR 50206
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA39

327. PUBLIC WORKS - INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; Department of Commerce - Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA40

328. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAMS - GRANT DISBURSEMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 305.89

Legal Deadline: None

Abstract: EDA will amend its rule on disbursements under grants at 13 CFR 305.89 to change the title to refer only to grants, since public works loans are no longer made, and at 305.89(b) to omit any reference to increasing the maximum amount allowable, since EDA's grant rate/amount maximum as stated in the grant award cannot subsequently be increased after the project has been completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	
Final Action	08/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA42

329. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - ELECTRIC AND GAS FACILITIES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.4

Legal Deadline: None

Abstract: EDA will amend its rule on financing gas or electrical facilities to omit references to primary or secondary functions, to be consistent with PWEDA (42 USC 3214(e)).

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	
Final Action	08/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA43

330. OVERALL ECONOMIC DEVELOPMENT PROGRAM - PROGRESS REPORT

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 304.8

Legal Deadline: None

Abstract: EDA will amend its reporting requirements for Overall Economic Development Program (OEDP) periodic revisions to coincide with the previous project's final report, and the time of submission of the next grant period work program and application. This change applies to EDA's planning grant recipients.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover

DOC—EDA **Final Rule Stage**

Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA44

331. ● ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4 as amended

CFR Citation: 13 CFR 309.18

Legal Deadline: None

Abstract: This rule will amend EDA's regulations at 13 CFR 309.18 to include references to Federal, State and local environmental laws dealings with hazardous substances. The amended rule will advise EDA's recipients that they are subject to such laws.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/90	55 FR 3400
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph M. Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA45

DEPARTMENT OF COMMERCE (DOC) — Completed Actions
Economic Development Administration (EDA)

332. LIABILITY FOR HAZARDOUS SUBSTANCES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from hazardous substances on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Withdrawn - no longer necessary	02/23/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA36

333. DIRECT AND SUPPLEMENTARY GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES - SUPPLEMENTARY GRANT RATES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 301.2; 13 CFR 305.5

Legal Deadline: None

Abstract: EDA will amend its supplementary grant rate regulations at 13 CFR 301.2 and 305.5 by changing the citation from "The Disaster Relief Act of 1974 (Pub. L. 93-288)" to "The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 100-707)." The Stafford Act amends and recodifies the Disaster Relief Act.

Timetable:

Action	Date	FR Cite
Final Action - nomenclature change	11/20/89	54 FR 47970
Final Action Effective	11/20/89	54 FR 47970

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph M. Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, **202 377-4687**

RIN: 0610–AA41

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
General Administration (ADMIN)

334. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension; EO 12689

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: Executive Order 12689, signed August 16, 1989, calls for agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The common rule will be amended to reflect the requirements contained in the Executive order.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Barbara L. Spithas**, Director, Office of Federal Assistance, Office of Finance and Federal Assistance, Department of Commerce, General Administration, 14th & Constitution Avenue, NW., Washington, DC 20230, **202 377-5817**

RIN: 0605–AA02

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

General Administration (ADMIN)

335. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: This action states the administrative requirements governing grants to governments and nongovernmental entities. It is intended to simplify and standardize the Federal grant process and eliminate redundant and inconsistent administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara L. Spithas, Director, Office of Federal Assistance, Office of Finance and Federal Assistance, Department of Commerce, General Administration, Office of Administration, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA04

336. NONPROCUREMENT DEBARMENT AND SUSPENSION AND GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Sec 5151 to 5160, Drug-Free Workplace Act of 1988

CFR Citation: 15 CFR 26

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: This interim final rule requires grantees of Federal agencies to certify that they will provide drug-free workplaces and imposes sanctions on those who fail to comply with provisions of the rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 04947
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara L. Spithas, Director, Office of Federal Assistance, Office of Finance and Federal Assistance, Department of Commerce, General Administration, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA05

337. ● NEW RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 1352; PL 101-121, sec 319

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: The proposed rule is for the purpose of implementing statutory requirements generally prohibiting recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Barbara L. Spithas, Director, Office of Federal Assistance, Office of Finance and Federal Assistance, Department of Commerce, General Administration, 14th Street & Constitution Avenue, NW., Washington, DC 20230, 202 377-5817

RIN: 0605–AA06

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

International Trade Administration (ITA)

338. ANTIDUMPING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 05092
ANPRM Comment Period End	03/20/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA29

339. ALLOCATION OF APPAREL TARIFF-RATE QUOTA UNDER THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: PL 100-449, Section 202(g); U.S.-Canada Free Trade Agreement Implementation Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

DOC—ITA — Proposed Rule Stage

Abstract: The U.S.-Canada FTA reduces tariffs on textile and apparel products considered to be of U.S. or Canadian origin under the "rules of origin" established by the Agreement. Generally, apparel made in the U.S. or Canada from fabric sourced in a third country will not be considered to be of U.S. or Canadian origin for FTA purposes. Goods which do not qualify for the FTA rate will be subject to the regular most-favored-nation (MFN) rate. However, the FTA also establishes an annual tariff-rate quota (TRQ) under which a limited quantity of apparel products that do not meet the FTA's rules of origin will still be entitled to the FTA duty. As Canadian tariffs on U.S. apparel exports decline, U.S. apparel firms should have a growing incentive to export to Canada, but will need some predictability as to which duty their goods will be subject to.

Unless the Department implements an allocation system, we may find that U.S. firms will either face the chaos of an annual rush to the border to ensure their share of the TRQ or will ignore a lucrative export market to avoid the uncertainties of the TRQ.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ronald I. Levin, Director, Office of Textiles and Apparel, Department of Commerce, International Trade Administration, Room 3100, Washington, DC 20230, 202 377-5078

RIN: 0625–AA30

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

340. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 7151
NPRM Comment Period End	04/19/83	48 FR 7188
NPRM	01/26/90	55 FR 2760
NPRM Comment Period End	03/12/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA04

341. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Additional Information: Further action on this regulation is under study by the Department.

Agency Contact: Michael W. Rubinoff, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625–AA05

342. COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 355

Legal Deadline: None

Abstract: Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and will make the countervailing duty law more accessible to the public.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23366
NPRM Comment Period End	09/05/89	54 FR 33238
Final Action	04/00/90	

Small Entities Affected: None

DOC—ITA

Final Rule Stage

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Council for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA31

343. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq

CFR Citation: 19 CFR 300 to 399

Legal Deadline: None

Abstract: Revisions to the current antidumping duty and countervailing duty regulations are needed on an expedited basis in order to conform those regulations to certain statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. Those amendments deal with (1) downstream product monitoring; (2) consultations with the International Trade Commission on certain scope rulings; (3) procedures for administrative protective orders; (4) correction of ministerial errors; and (5) effective dates. The revisions will enable the Department to apply the new statutory provisions in an orderly and efficient basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA32

344. PROCEDURES AND RULES FOR IMPLEMENTING ARTICLE 1904 OF THE UNITED STATES-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: 19 USC 1516a; 19 USC 1677f(d); PL 100-449, Title IV

CFR Citation: 19 CFR 356

Legal Deadline: None

Abstract: Chapter 19 of the U.S.-Canada Free Trade Agreement established a system under which final antidumping and countervailing duty determinations of both the United States and Canada are subject to review by independent binational panels. The legislation implementing the Agreement authorized the Department to issue regulations necessary to implement Chapter 19. Regulations are necessary to establish procedures concerning notice of intent to seek judicial review, requests for panel review, notice of receipt by Canada of class or kind determinations, continued suspension of liquidation pending panel review, release of business proprietary and privileged information under protective order during a panel review, and sanctions for violations of such protective orders. The interim rule became effective January 1, 1989, the date the Agreement entered into force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53232
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-1411

RIN: 0625–AA33

345. ● SHORT SUPPLY PROCEDURES FOR ITA

Legal Authority: PL 101-221

CFR Citation: 19 CFR 357

Legal Deadline: None

Abstract: In order to implement section 4(b) of the Steel Trade Liberalization Program Implementation Act, ITA promulgated interim regulations on its short supply procedures. The regulations contain uniform rules, criteria, and procedures for ensuring transparency, timeliness, and fairness in the administration of the short supply program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1348
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Cohen, Attorney-Advisor, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-1096

RIN: 0625–AA34

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Final Rule Stage

346. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002; PL 100-418; EO effective December 28, 1988

CFR Citation: 15 CFR 771; 15 CFR 777; 15 CFR 799

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 777) and related licensing requirements (15 CFR 771 and 799) of the Export Administration Regulations (15 CFR 730-799) is necessary. An interim final

rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products. The Export Administration was made a Bureau in October 1987. The Export Administration Regulations were thereafter transferred from 15 CFR 368-399 to 15 CFR 730-799. Furthermore, the Export Administration Act of 1979 was amended on August 23, 1988, by the Omnibus Trade and Competitiveness (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Act of 1988 (P.L. 100-418, 102 Stat. 1107). Section 2424 of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amends section 7 of the EAA but will not require regulatory measures.

Agency Contact: Sharon Gongwer, Acting Director, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, **202 377-4531**

RIN: 0694–AA01

347. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC 2061 et seq; EO 10480

CFR Citation: 15 CFR 350

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, **202 377-3634**

RIN: 0694–AA02

348. DEFINITION OF SUPERCOMPUTER

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: NPRM, Statutory, November 21, 1989.

Abstract: This proposed rule amends the EAR to provide a definition for the term "supercomputer." Section 5(a)(6) of the Export Administration Act, as amended by the 1988 Trade Act, requires that a definition be included in the EAR. An earlier proposed rule on this subject was published in the Federal Register on 12/5/88. Having considered the comments on that rule as well as other comments from industry, the Department of Commerce has developed a revised definition. Because of the variety of differing opinions that the Commerce Department has received on this issue it intends to solicit additional comments on the revised definition before issuing a final rule. Therefore the Department published a second proposed rule with request for comments.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48932
NPRM Comment Period End	01/19/89	
NPRM	01/29/90	55 FR 3017
NPRM Comment Period End	03/15/90	
Interim Final Rule	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA03

349. AMENDMENT OF VALIDATED LICENSE CONTROLS ON MAGNETICALLY ENHANCED SPUTTERING EQUIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: On June 24, 1987, the President issued a national security override for a finding of foreign availability for certain types of sputtering equipment controlled under ECCN 1355A of the Commodity Control List. As a result of this override, export controls on the equipment were maintained pending the conclusion of negotiations with the source country to eliminate the foreign availability. The statutorily authorized 18-month negotiating period expired on December 24, 1988, with the source country agreeing to eliminate foreign availability for sputtering equipment until May 31, 1989. The source country has since agreed to eliminate foreign availability for certain types of sputtering equipment for an additional period. This rule amends ECCN 1355A by decontrolling to free world destinations that sputtering equipment that the source country has not agreed to control, and by maintaining controls on that equipment for which foreign availability has been eliminated.

DOC—BXA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/89	54 FR 24166

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Pastore, Department of Commerce, Bureau of Export Administration, Office of Foreign Availability, Room SB701, Washington, DC 20230, 202 377-5953

RIN: 0694–AA05

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350. EXPORTS FROM ABROAD OF FOREIGN PRODUCTS INCORPORATING U.S.-ORIGIN PARTS AND COMPONENTS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: In accordance with section 5(a)(A) of the EAA, as amended by the 1988 Trade Act, this rule revises section 776.12 of the EAR to reduce export and reexport controls on U.S.-origin parts and components incorporated in foreign-made products. Under section 776.12 prior authorization is not required when U.S.-origin content comprises 25 percent or less and the foreign-made product is exported to a country listed in Supplements 2 and 3 to Part 773, i.e., countries cooperating in nuclear non-proliferation policy. This interim rule revises section 776.12 to apply the 25 percent exemption to all destinations, except the embargoed countries. The 10 percent exemption, but not the dollar value limitation, is continued for these proscribed destinations. The rule also exempts from control foreign-made products incorporating U.S.-origin content consisting of low level technology specifically designated on the Commodity Control list.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49327
Interim Final Rule	10/03/89	54 FR 40640

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA06

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351. GENERAL LICENSE GFW

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; EO 12525; EO 12532

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: Section 5(b)(3)(A) of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) requires the removal of national security based licensing requirements on all exports to Free World countries. Commodities that are covered by this provision are those described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/90	55 FR 6791
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA07

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352. EXPORTS OF MEDICAL EQUIPMENT AND OF COMMODITIES CONTROLLED BECAUSE THEY CONTAIN CONTROLLED PARTS AND COMPONENTS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; EO 12525; PL 95-223; PL 99-440; EO 12532; EO 12571

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: To implement section 5(C)(5)(A)(ii) and section 5(m) of the Export Administration Act, the Bureau of Export Administration is creating a new section 776.20. This new section permits the export of medical and other equipment containing controlled parts and components to country group T&V (except the People's Republic of China and Afghanistan), without prior written authorization from the Office of Export Licensing, provided that the transaction meets the eligibility criteria described in this section. This interim rule will establish a classification scheme requiring exporters and reexporters to obtain eligibility determinations prior to exporting under this provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Acting Director, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA09

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353. REVISION OF FOREIGN AVAILABILITY REGULATIONS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 791

Legal Deadline: None

Abstract: Part 791 of the Export Administration Regulations (EAR) establishes the procedures and criteria for initiating and reviewing claims of foreign availability on items controlled for national security purposes. With this notice the Department is proposing to revise Part 791 of the EAR. The revision of the foreign availability regulations is necessary because of legislative changes to the program by the "Trade Act" of 1988, and OFA's own experiences with the program. It is expected that this revision will improve the Foreign Availability process and the effectiveness of the program thereby enhancing national security and improving U.S. competitiveness.

DOC—BXA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48273
NPRM Comment Period End	01/08/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Roberts, Director of Special Projects, Department of Commerce, Bureau of Export Administration, Office of Foreign Availability, Room SB-701, Washington, DC 20230, 202 377-8074

RIN: 0694–AA10

354. REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 769

Legal Deadline: None

Abstract: The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39415
NPRM Comment Period End	10/26/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon Paugh, Director, Compliance Policy Division, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 377-4550

RIN: 0694–AA11

355. GENERAL LICENSE G-TEMP; TEMPORARY EXPORT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571; EO 12543

CFR Citation: 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 774; 15 CFR 786; 15 CFR 790; 15 CFR 799

Legal Deadline: None

Abstract: General License GTE authorizes temporary exports for certain purposes such as exhibition, demonstration, inspection and testing, and requires prompt return to the country of export. This proposed rule would redesignate that license as General License G-TEMP and amend it by removing the registration requirement and by establishing guidelines for the use of the general license. One effect of removing the registration requirement would be that parties abroad who were not eligible to register under the former General License GTE would be able to use G-TEMP as authorization for a permissive reexport in accordance with the appropriate provisions of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40681
NPRM Comment Period End	11/17/89	54 FR 40681
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, OTPA, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA12

356. INTRA-COCOM

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 770; 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 776; 15 CFR 779; 15 CFR 786; 15 CFR 799

Legal Deadline: None

Abstract: This rule will amend the Export Administration Regulations to reduce licensing requirements on intra-CoCom trade. This rule will create a new Country Group R to include all CoCom member countries. This rule will also revise validated license requirements for most export control commodity numbers ending in the code letter "A". This rule will create a new General license designated GTC (certain Shipments to Third Countries).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA13

357. SHIPPER'S EXPORT DECLARATION: REMOVAL OF REQUIREMENT THAT SEPARATE DECLARATIONS MUST BE FILED FOR GENERAL LICENSE AND VALIDATED LICENSE COMMODITIES IN THE SAME SHIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 786

Legal Deadline: None

Abstract: Section 786.3(h) of the Export Administration Regulations contains certain requirements for listing commodities on the Shipper's Export Declaration (SED). Previously, section 786.3(h)(1) contained a general prohibition against combining general license commodities with validated license commodities on the same SED. This interim rule will amend section 786.3(h) to permit general license commodities and validated license commodities to be listed on the SED. The rule also will revise section 786.3(h) to clarify that the commodities that may be listed on the same SED must be

included in one shipment on board a single carrier and must be from the same exporter to the same consignee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA14

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358. REVISION OF GENERAL LICENSE GIFT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-145; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771

Legal Deadline: None

Abstract: The Bureau of Export Administration is revising section 771.18 of the Export Administration Regulations (15 CFR Parts 768-799), which contains provisions on the applicability of General License GIFT for exports from the United States. General License GIFT authorizes export of parcels from U.S. individuals or charitable organizations overseas. General License GIFT is modified to allow no more than one gift parcel from the same donor to the same donee in any one month. Currently, one parcel may be shipped each week. This change is intended to assure that the license is utilized in conformity with its intended purpose, namely the donative provision of gifts between individuals. Specific authorization to exceed this limit may be granted on a case-by-case basis to meet compelling humanitarian concerns (e.g., gifts of medicine to relatives). The Bureau of Export Administration will grant case-by-case exemptions through issuance of a validated license. For clarity, new text is added on appropriateness of items as gifts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/89	54 FR 19883
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA26

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359. ● CHANGE IN REPORTING REQUIREMENTS FOR THE SPECIAL LICENSES

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 773

Legal Deadline: None

Abstract: This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead, exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, 14th & Pennsylvania Avenue, NW., Washington, DC 20230, 202 377-4159

RIN: 0694–AA27

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360. ● ELIMINATION OF SUBMISSION REQUIREMENT FOR CERTAIN SUPPORTING DOCUMENTS

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 772; 15 CFR 774; 15 CFR 775; 15 CFR 787

Legal Deadline: None

Abstract: This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA28

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361. ● AMENDMENTS TO ENFORCEMENT AND ADMINISTRATIVE PROCEEDINGS

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525; EO 12002

CFR Citation: 15 CFR 770; 15 CFR 772; 15 CFR 788

Legal Deadline: None

Abstract: This final rule will amend the Export Administration Regulations to reflect changes in the EAA (for example, prescribe the method by which denial of export privileges to persons convicted of specified offenses may be extended to related persons), to conform specific procedural provisions to the EAA, and to reflect organizational changes within the Bureau of Export Administration. The rule will note the availability of judicial review of final agency decisions in export control cases and also implement statutory changes governing temporary denial orders.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel C. Hurley, Jr., Attorney-Advisor, Office of Export

DOC—BXA

Final Rule Stage

Enforcement, Department of Commerce, Bureau of Export Administration, Room 3837, Washington, DC 20230, 202 377-5305

RIN: 0694–AA29

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362. ● FOREIGN AVAILABILITY ASSESSMENTS: INITIATION OF AN ASSESSMENT ON "STORED PROGRAM CONTROLLED" DIE (CHIP) MOUNTERS AND BONDERS

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: Pursuant to section 5(f) of the Export Administration Act, the Office of Foreign Availability initiated an assessment to investigate the foreign availability of stored program controlled die (chip) mounters and bonders and sought public comments on the foreign availability of such items.

Timetable:

Action	Date	FR Cite
ANPRM	01/05/90	55 FR 453
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Pastore, Electronic Engineer, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room SB-701, Washington, DC 20230, 202 377-8074

RIN: 0694–AA31

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363. ● EXPANSION AND IMPOSITION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 776; 15 CFR 799

Legal Deadline: None

Abstract: In support of U.S. foreign policy and particularly U.S. policies of opposing the proliferation and prohibited use of chemical weapons, the Department of Commerce revised the foreign policy controls on exports of certain chemical weapon precursors, i.e., chemicals that can be used in the manufacture of chemical weapons. This rule makes several significant revisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/89	54 FR 52017
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Gongwer, Acting Chief, Regulation Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622 HCHB, Washington, DC 20230, 202 377-2440

RIN: 0694–AA32

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364. ● REMOVAL OF GENERAL LICENSE G-FTZ; EXPORTS OF PETROLEUM COMMODITIES FROM U.S. FOREIGN-TRADE ZONES AND FROM GUAM

Legal Authority: 50 USC 2401; PL 96-72; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771; 15 CFR 774; 15 CFR 777

Legal Deadline: None

Abstract: This rule will remove section 771.7 "General license G-FTZ; exports of petroleum commodities from U.S. foreign-trade zones and from Guam." In 1985 the Department eliminated the validated license requirement for petroleum product exports, unless the products were derived from the NPRC. Because petroleum exports from foreign trade zones and Guam now can be sent under section 771.16 "General license G-NNR; shipments of certain Non-Naval reserve petroleum commodities", General license G-FTZ is unnecessary.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn Sullivan, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA35

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365. ● GUIDELINES FOR EXPORT TRANSACTIONS INVOLVING CHEMICAL PROCESSING EQUIPMENT

Legal Authority: 50 USC 2401

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: U.S. foreign policy opposes the proliferation and use of chemical weapons. Similar controls, however, have not been imposed on the chemical processing equipment that can be used to produce chemical weapon precursors. Despite the absence of controls, the Department of Commerce encourages U.S. industry to be aware of suspicious business transactions involving chemical processing equipment. This advisory note will set guidelines to enable suppliers of such equipment to identify suspicious transactions and react accordingly.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Toni Jackson, Export Policy Analyst, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1618, Washington, DC 20230, 202 377-4531

RIN: 0694–AA37

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366. ● VOLUNTARY SELF-DISCLOSURES

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 787

Legal Deadline: None

Abstract: On March 6, 1989, the Bureau of Export Administration published a proposed rule that would amend the EAR by adding a new section 787.15 addressing voluntary self-disclosure of export violations. After reviewing the comments on the proposed rule, BXA will issue this rule in final form that adds new section 787.15 "Voluntary Self-Disclosure" into the EAR. Section 787.15 sets forth the following: the intent of the new section; limitations under which this new section is applicable; how to provide voluntarily self-disclosed information to the Office

of Export Enforcement; the range of actions OEE could take in response to the received information; criteria used to determine OEE's action; and treatment of unlawfully exported commodities after voluntary self-disclosure.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9233
Final Action	04/00/90	
Effective		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn Sullivan, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA38

367. ● INCREASE IN THE DOLLAR VALUE LIMIT EXEMPTION FROM THE SHIPPER'S EXPORT DECLARATION FILING REQUIREMENT

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 786

Legal Deadline: None

Abstract: The Bureau of Export Administration is raising the dollar value limit for exemption from the Shipper's Export Declaration (SED) filing requirement for non-mail shipments from $1500 to $2500. This change is being made in accordance with the Bureau of the Census' final rule amending the Foreign Trade Statistics Regulations. This is intended to relieve the processing burden of the Bureau of the Census, which currently receives over 800,000 SED's per month. It is also expected to reduce the exporter's administrative burden by increasing the number of shipments exempt from special documentation requirements.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eileen Bernstein, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4819

RIN: 0694–AA39

368. ● AMENDMENTS TO PARTS 787 AND 788: EXPORT ENFORCEMENT AND ADMINISTRATIVE PROCEEDINGS

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571; EO 12002

CFR Citation: 15 CFR 787; 15 CFR 788

Legal Deadline: None

Abstract: The nomenclature changes made by a final rule March 30, 1989, were based on the transfer of the export control functions from the International Trade Administration to the newly created Bureau of Export Administration. Several nomenclature changes that should have been made in Part 788 were not made at that time. This final rule will make those nomenclature changes to Part 788 and also amends certain statutory references in Part 788 to make them conform with other provisions in the Regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel C. Hurley, Jr., Attorney-Advisor, Office of Export Enforcement, Department of Commerce, Bureau of Export Administration, Room 3837, Washington, DC 20230, 202 377-5303

RIN: 0694–AA40

369. ● VALIDATED LICENSE CONTROLS ON GENETICALLY MODIFIED ORGANISMS

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: Current foreign policy controls on biological agents useful in making weapons include all genetically altered biological organisms, irrespective of hazard. Many of these controlled organisms, however, pose minimal hazard and have beneficial uses in various fields, including medicine. This rule will remove such organisms from controls, while retaining controls on organisms that pose special or extreme hazards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/89	54 FR 8281
Final Action	04/00/90	
Effective		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James I. Seevaratnam, Industrial Analyst, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 4060, Washington, DC 20230, 202 377-5695

RIN: 0694–AA42

370. ● NOTICE OF FOREIGN AVAILABILITY ASSESSMENT INITIATION OF AN ASSESSMENT ON POLYCRYSTALLINE SILICON RODS AND CHUNKS

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: Pursuant to the receipt of an allegation of foreign availability under Part 791.4 of the Export Administration Regulations, the Office of Foreign Availability initiated an assessment to investigate the foreign availability to Poland of polycrystalline silicon rods and chunks. The Office of Foreign availability also sought public comments on the foreign availability to proscribed countries of polycrystalline silicon rods and chunks.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/89	54 FR 50423
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo-Anne A. Jackson, Physical Scientist, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room

DOC—BXA

Final Rule Stage

SB-701, Washington, DC 20230, 202 377-5953

RIN: 0694–AA44

371. ● NOTICE OF INITIATION OF FOREIGN AVAILABILITY ASSESSMENT ON HIGH PURITY POLYCRYSTALLINE SILICON

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: Pursuant to the receipt of an allegation of foreign availability, the Office of Foreign Availability initiated an assessment to investigate the foreign availability of high purity polycrystalline silicon. OFA also sought public comments on the foreign availability of high purity polycrystalline silicon.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/89	54 FR 50422
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo-Anne A. Jackson, Physical Scientist, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room SB-701, Washington, DC 20230, 202 377-5953

RIN: 0694–AA45

DEPARTMENT OF COMMERCE (DOC)

Bureau of Export Administration (BXA)

Completed Actions

372. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON COCOM REVIEW

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 773; 15 CFR 799

Legal Deadline: None

Abstract: The Bureau of Export Administration maintains the Commodity Control List (CCL) which identifies those items subject to Department of Commerce export controls. This rule amends a number of List entries in the categories of general industrial equipment and electronics and precision instruments. Amendments to the multilaterally controlled entries on the CCL (specifically, those Export Control Commodity Numbers (ECCNs) that end with "A") have resulted from a review of strategic controls maintained by the U.S. and certain allied countries through the Coordinating Committee (CoCom). Such multilateral controls restrict the availability of strategic items to controlled countries. With the concurrence of the Department of Defense, the Department of Commerce has determined that these revisions to the CCL are necessary to protect U.S. national security interests. In addition, this rule amends a listing (in Supplement No. 1 to Part 773 of the Export Administration Regulations) of commodities excluded from special export licensing procedures. These amendments reflect commodity decontrols based on previous reviews of (cont)

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/89	54 FR 41055
Final Action	10/05/89	54 FR 41055

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: strategic controls maintained by CoCom.

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA16

373. GENERAL LICENSE GTDA: TECHNICAL DATA AVAILABLE TO ALL DESTINATIONS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 779

Legal Deadline: None

Abstract: On Friday, May 16, 1986, a notice of proposed rulemaking was published in the Federal Register (51 FR 17986). It sought to provide clarified guidelines for the use of Export Administration Regulation section 779.3, General License GTDA, and invited comments from the public. This final rule will include some of the suggestions made in the public comments on that proposed rule, that generally recognized that the guidelines clarified certain ambiguities in the regulations, and yet will conform with existing Commerce Department interpretations.

Timetable:

Action	Date	FR Cite
Final Action	10/03/89	54 FR 40643
Final Action Effective	10/03/89	54 FR 40643

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Seevaratnum, Industrial Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 377-5695

RIN: 0694–AA17

374. ● NOTICE OF POSITIVE FOREIGN AVAILABILITY DETERMINATION FOR PREPREG PRODUCTION EQUIPMENT AND OF PRESIDENT'S NATIONAL SECURITY OVERRIDE

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: Under the authority of the Export Administration Act of 1979, the Deputy Assistant Secretary for Export Administration determined on August 18, 1989, that foreign availability exists for prepreg production equipment. However, on September 15, 1989, the President determined that export controls on this equipment must be maintained notwithstanding foreign availability, because their absence would prove detrimental to the national security of the United States.

Timetable:

Action	Date	FR Cite
ANPRM	06/22/89	54 FR 26226
Notice of positive determination of foreign availability for prepreg production equipment	09/25/89	54 FR 39218

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irwin M. Pikus, Director, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room SB-701, Washington, DC 20230, 202 377-8074

RIN: 0694–AA30

375. ● REVISIONS TO THE COMMODITY CONTROL LIST BASED ON COCOM REVIEW; CHEMICAL AND PETROLEUM EQUIPMENT; TRANSPORTATION EQUIPMENT; ELECTRONICS AND PRECISION INSTRUMENTS; CHEMICALS, (CONT)

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: This rule makes several corrections to the Export Administration Regulations (EAR). These corrections addressed inaccuracies contained in the final rule (FR Doc. 89-23559) published in the Federal Register (54 FR 41055-41068) on October 5, 1989. This rule, which neither expands nor limits the provisions of the EAR, affects Export Control Commodity Numbers 1416A, 1529A, 1537A and 1585A of Supplement No. 1 to 799.1 (the Commodity Control List).

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	54 FR 53600
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Metalloids, Petroleum Products and Related Materials; Corrections

Agency Contact: Kathryn Sullivan, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622 HCHB, Washington, DC 20230, 202 377-2440

RIN: 0694–AA33

376. ● QUARTERLY REVIEW OF THE COMMODITY CONTROL LIST

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: The EAA requires Commerce to conduct quarterly list review of items controlled for national security reasons. Each item on the control list must be reviewed at least once a year. The notice for this list review provided for four review cycles within a 12-month period. Each cycle covers roughly one-fourth of the entries on the control list. The notice provided information about the role of the technical advisory committees in the list review process and about COCOM list review. The notice requested comments on which items met the preconditions to impose controls to the East Bloc, the appropriate performance levels for required COCOM consent for an individual export, and the appropriate availability of special licensing procedures such as the distribution license.

Timetable:

Action	Date	FR Cite
Final Action	12/19/89	54 FR 51898

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA34

377. ● REMOVAL OF FOREIGN POLICY CONTROLS TO KAMA RIVER/ZIL

Legal Authority: 50 USC app 2401 et seq

CFR Citation: 15 CFR 779; 15 CFR 785; 15 CFR 799

Legal Deadline: None

Abstract: Section 6 of the Export Administration Act of 1979, as amended, authorizes the imposition of export controls to further the foreign policy of the United States or to fulfill its declared international obligations. Under the Act, foreign policy controls expire annually unless extended. The Secretary of Commerce, following consultation with the Department of State, sent a report to Congress on January 19, 1990, extending all existing foreign policy controls except controls on technical data and equipment for the manufacture of trucks at the Soviet Kama River (Kam AZ) and Zil truck plants. This rule removes the foreign policy controls placed on truck-manufacturing exports whose destination is the Kama River or Zil truck plants in the Soviet Union by amending 15 CFR Parts 779, 785 and 799. In addition, in Commodity Group 3 (General Industrial Equipment) of the Commodity Control List (Supplement No. 1 to 799.1), ECCN 6398G is removed.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/21/90	55 FR 3204
Final Action	01/31/90	55 FR 3204

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn Sullivan, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622 HCHB, Washington, DC 20230, 202 377-2440

RIN: 0694–AA36

378. ● NOTICE OF POSITIVE DETERMINATION OF FOREIGN AVAILABILITY FOR CERTAIN LOW CAPACITY HARD DISK DRIVES

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: Under the authority of the Export Administration Act of 1979, as amended (EAA), the Deputy Assistant Secretary for Export Administration determined on November 28, 1989, that foreign availability exists for certain low capacity hard disk drives with a formatted capacity no greater than 45 MB. Action was initiated to submit the determination to a multilateral review process in accordance with the agreement of the Coordinating Committee for a period of not more

than four months beginning on the date of the publication of this Federal Register notice. Current export controls on these items will remain in effect pending completion of the review process, or until further notice.

Timetable:

Action	Date	FR Cite
Notice of positive foreign availability determination	01/03/90	55 FR 163

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael C. Andrews, Technical Information Specialist, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room SB-701, Washington, DC 20230, 202 377-4547

RIN: 0694–AA41

379. ● EXPORTS OF CERTAIN ALASKA CRUDE OIL TO CANADA

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 100-180; PL 100-449; PL 94-163; PL 99-58; PL 93-153; PL 95-372; PL 94-258; EO 12525; EO 11912

CFR Citation: 15 CFR 777

Legal Deadline: None

Abstract: This final rule adopts -- with certain minor changes based on public comments -- the revisions made by the interim rule on Alaska crude oil that was published in the Federal Register on January 13, 1989 (54 FR 1349). Section 777.6(d)(1) of the EAR currently permits the export of crude oil for use or consumption in Canada, except for crude oil transported by pipeline over a right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (Alaska crude oil) and crude oil from the Naval Petroleum Reserves. The interim rule amended section 777.6 to authorize the export of 50,000 barrels per day of Alaska crude oil to Canada. This final rule will make certain procedural changes. The most significant of these changes is the elimination of the Naval Petroleum Reserve affidavit requirement in section 777.6(e)(2).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/89	54 FR 1349
Final Action	03/19/90	55 FR 10051
Final Action Effective	03/19/90	55 FR 10051

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Kritzer, Senior Policy Analyst, Office of Industrial Resource Administration, Department of Commerce, Bureau of Export Administration, Room 3878, Washington, DC 20230, 202 377-4060

RIN: 0694–AA43

380. ● NOTICE OF NEGATIVE FOREIGN AVAILABILITY DETERMINATION ON ARRAY PROCESSORS TO THE PEOPLE'S REPUBLIC OF CHINA

Legal Authority: 50 USC 2401

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: On September 29, 1989, the Office of Foreign Availability initiated an assessment of availability to the PRC of 12 MFLOPS array processors. The assessment was initiated in response to a certification of foreign availability under EAA section 5(h)(6) by the Computer Systems Technical Advisory Committee (CSTAC). Following review of the completed assessment and consideration of OFA's recommendation and the views of other Government agencies, the Deputy Assistant Secretary for Export Administration determined on December 28, 1989, that foreign availability of such commodities to the PRC does not exist within the meaning of the EAA.

Timetable:

Action	Date	FR Cite
ANPRM	01/03/90	55 FR 163
Notice of negative foreign availability determination	03/13/90	55 FR 9344

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irwin M. Pikus, Director, Office of Foreign Availability, Department of Commerce, Bureau of Export Administration, Room SB-701, Washington, DC 20230, 202 377-8074

RIN: 0694–AA46

381. ● PETROLEUM EXPORTS TO BE USED ON VESSELS AND AIRCRAFT

Legal Authority: 50 USC 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: Paragraph (c) of 15 CFR 776.9 provides instructions for submitting a Form BXA-622P when exporting petroleum and petroleum products for vessels or aircraft departing from the United States. This rule will remove those provisions, which were made obsolete by the 1985 change in the regulations.

Timetable:

Action	Date	FR Cite
Final Action	03/22/90	55 FR 10611
Final Action Effective	03/22/90	55 FR 10611

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA47

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Institute of Standards & Technology (NIST)

382. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS (CONT)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify the interface between data terminating equipment (DTE) and data circuit-terminating equipment (DCE) for terminals operating in the packet mode on package-switched data networks (PSDN), or between two DTEs, by dedicated circuit. The standard will cover both the DTE/DCE and DTE/DTE interfaces, and will be based on the American National Standard ANSI X3.100-1988 which was adopted from CCITT Recommendation X.25-1988, ISO 7776-1986, and ISO 8802-1987.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Notice With Request for Comments Comments Due by 06/18/90	03/20/90	55 FR 10276
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Additional Information: TITLE CONT: with Packet-Switched Data Networks (PSDN), or between Two DTEs, by Dedicated Circuit

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA39

383. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (X3.159-1989) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851
Repeating NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA48

384. FIPS FOR RECORDED FORMATS FOR ONE- AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 INCH (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA54

385. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA55

DOC—NIST **Proposed Rule Stage**

386. REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/19/87	52 FR 44462
NPRM Comment Period End	02/17/88	52 FR 44462
Notice With Request for Comments Comments Due by 06/18/90	03/20/90	55 FR 10272

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA59

387. FIPS FOR APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide an architectural approach to applications portability, and will include standard elements that can be used to develop and maintain portable applications. Components of the profile will include database management, data interchange, network services, user interfaces, and programming languages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA65

388. FIPS FOR CONFORMANCE TESTING POLICY AND PROCEDURES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will specify the policy and procedures for conformance test methods, for conformance testing of implementations of FIPS, and for certifying those implementations that comply with the FIPS requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29249
NPRM Comment Period End	11/01/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA66

389. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications, and new policies for testing for conformance to the standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/88	53 FR 49722
ANPRM Comment Period End	03/09/89	53 FR 49722
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA68

390. FIPS FOR POSIX SYSTEM ADMINISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA71

391. FIPS FOR DIGITAL CARTOGRAPHIC DATA

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt specifications developed by the Department of the Interior for representing data used in mapping applications. The standard will improve interchange of information among agencies analyzing land use, demographics, and other geographic information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA73

392. FIPS FOR OPEN SYSTEMS INTERCONNECTION (OSI) TRANSPORT LAYER SECURITY PROTOCOL (SP4)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide for confidentiality and integrity services at the Transport Layer of OSI Systems. The standard will be based on specifications and technical agreements reached through cooperative government and industry efforts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA75

393. FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard being developed by Standards Committee X3H4. The standard will specify the precise format of files used to exchange information between IRDS's. The specification will complete the IRD-IRD Interface, the functionality of which is specified in FIPS PUB 156.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA76

394. FIPS FOR IRDS SERVICES INTERFACE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a draft proposed American National Standard for an Information Resource Dictionary System Services Interface. The standard is an extension of FIPS PUB 156, which adopts ANSI X3.138-1988. The Services Interface addresses the additional need for a programmatic interface through which software external to the IRDS can populate, access, and maintain the contents of an IRDS dictionary and its schema.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA77

395. ● PROPOSED REVISION OF FIPS 120 GRAPHICAL KERNEL SYSTEM

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revised standard will revise the current FIPS PUB 120 to require testing of implementations for conformance to the GKS standard. The technical specifications adopted by this revision will not be revised.

Timetable:

Action	Date	FR Cite
Notice With Request for Comments Comments Due by 06/18/90	03/20/90	55 FR 10273
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA80

396. ● PROPOSED REVISION OF FIPS 54 COM FORMATS AND REDUCTIONS RATIOS, 16MM AND 105MM

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt American National Standard for Information and Image Management -- Microfiche, ANSI/AIIM MS5-1985, and American National Standard for

DOC—NIST **Proposed Rule Stage**

Information and Image Management -- Specifications for 16mm and 35mm Roll Microfilm, ANSI/AIIM MS14-1988, which specify the image arrangement, size, and reduction ratios for 16mm and 106mm microforms generated by Computer Output Microfilmers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA81

397. ● MANUFACTURING TECHNOLOGY CENTERS

Significance: Regulatory Program

Legal Authority: 15 USC 278k

CFR Citation: 15 CFR 290

Legal Deadline: None

Abstract: These rules prescribe policies and procedures to ensure the fair, equitable and uniform treatment of proposals for assistance under the program. The program is to stimulate the establishment of centers around the United States that serve to enhance productivity by assisting businesses, especially small- and medium-sized businesses, in the adoption of advanced manufacturing technologies, processes and practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Nanzetta, Program Manager, Technology Services, Department of Commerce, National Institute of Standards & Technology, Room B112, Building 220, Gaithersburg, MD 20899, **301 975-3414**

RIN: 0693–AA82

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage

National Institute of Standards & Technology (NIST)

398. REVISION OF FIPS 151, POSIX: PORTABLE OPERATING SYSTEM INTERFACE FOR COMPUTER ENVIRONMENTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will revise FIPS 151, which was based on interim specifications, to adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System Interface for Computer Environments (IEEE 1003.1-1988). The standard will adopt completed industry specifications and will facilitate the interchange of computer application programs between different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	54 FR 14829
NPRM Comment Period End	07/12/89	54 FR 14829
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA49

399. FIPS FOR ELECTRONIC BUSINESS DATA EXCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: A group of voluntary industry standards that will facilitate computer-to-computer interchange of procurement data will be adopted as FIPS. Developed by Accredited Standards Committee X12, the standards will provide standard data elements, formats, and contents of electronic messages containing procurement-related information. These standards will reduce paperwork, improve productivity, and enable more effective information and inventory management.

Timetable:

Action	Date	FR Cite
NPRM	09/18/89	54 FR 38424
NPRM Comment Period End	12/18/89	54 FR 38424
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA62

400. EXTENSIONS TO FIPS 127, DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: The proposed extensions will adopt American National Standards (both currently draft standards) to the SQL language for relational databases. One proposal (Draft Addendum ISO 9075/DAD 1) provides features for assuring the correctness of data that is organized in SQL databases. The other proposal specifies interfaces between SQL and other programming languages including Ada, C, COBOL, FORTRAN, PASCAL, and PL/I. Use of these extensions will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8225
NPRM Comment Period End	05/30/89	54 FR 8225

DOC—NIST **Final Rule Stage**

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA63

401. FIPS FOR DOCUMENT APPLICATION PROFILE (DAP) FOR THE OFFICE DOCUMENT ARCHITECTURE (ODA) AND INTERCHANGE FORMAT STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers' equipment to be interchanged between systems.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4054
NPRM Comment Period End	04/27/89	54 FR 4054
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA67

402. REVISION OF FIPS 146, GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE (GOSIP)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision of FIPS 146 will add new protocols to the Government OSI Profile for virtual terminal, end-system to intermediate-system, connection-oriented network service, office document architecture, connectionless transport, and Integrated Services Digital Network (ISDN) technology. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	07/13/89	54 FR 29597
NPRM Comment Period End	10/11/89	54 FR 29597
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA69

403. FIPS FOR POSIX SHELL AND TOOLS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt, on an interim basis, Draft 8.0 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24375
NPRM Comment Period End	09/05/89	54 FR 24375
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA70

404. FIPS FOR USER INTERFACE COMPONENT OF THE APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt the X Protocol, Xlib Interface, Xt Intrinsics and Bitmap Distribution Format specifications developed by the Massachusetts Institute of Technology (MIT) for the X Window System. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24372
NPRM Comment Period End	09/05/89	54 FR 24372
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA72

405. FIPS FOR FIBER DISTRIBUTED DATA INTERFACE (FDDI)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt five voluntary industry standards that are nearing final approval by ANSI. FDDI is a layered standard for a 100 Mbits fiber optic token ring Local Area Network (LAN).

DOC—NIST **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32841
NPRM Comment Period End	11/08/89	54 FR 32841
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA74

406. ● PROPOSED FIPS FOR GOSIP CONFORMANCE AND INTEROPERATION TESTING AND REGISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will identify requirements for conformance testing and interoperability testing of GOSIP protocols and protocol stacks. FIPS 146, GOSIP, defines a common set of data communication protocols which enable systems developed by different vendors to interoperate and enable the users of different applications on these systems to exchange information.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47254
NPRM Comment Period End	02/12/90	54 FR 47254
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA79

407. ● ADVANCED TECHNOLOGY PROGRAM (ATP) PROCEDURES

Significance: Regulatory Program

Legal Authority: 15 USC 378n

CFR Citation: 15 CFR 295

Legal Deadline: None

Abstract: These rules prescribe policies and procedures to ensure fair, equitable, and uniform treatment of proposals for assistance under the Advanced Technology Program (ATP). The ATP will assist U.S. businesses to (1) rapidly commercialize significant new scientific discoveries and technologies, and (2) refine manufacturing technologies. The program focuses on improving the competitive position of the United States and its businesses by accelerating the development and commercialization of discoveries and technologies that have great economic impact in terms of their potential contribution to the U.S. balance of trade and the creation of jobs.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $44,800; Base Year for Dollar Estimates: 1990

Sectors Affected: Multiple

Agency Contact: George Uriano, Department of Commerce, National Institute of Standards & Technology, Technology Services, Room A363, Building 221, Gaithersburg, MD 20899, 301 975-4500

RIN: 0693–AA83

408. ● NOTICE OF AVAILABILITY OF FUNDS FOR STATE TECHNOLOGY EXTENSION SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 2781

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1991.
All cooperative agreements issued under this program must be terminated by September 30, 1991.

Abstract: The notice announces the availability of funds for States seeking to demonstrate new methods to increase the use of Federal technology by businesses within their States and thereby improve their competitiveness.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Berke, Program Manager, Department of Commerce, National Institute of Standards & Technology, Room A537, Building 101, Gaithersburg, MD 20899, 301 975-5017

RIN: 0693–AA84

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Completed Actions

409. FIPS PUB 21-3, COBOL

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will adopt the forthcoming addendum (X3.23A-198X) to American National Standard for COBOL which adds an Intrinsic Function facility to the language. The proposed addendum is upwardly compatible with the standard except for the reserved word FUNCTION. This revision will supersede FIPS 21-2, COBOL, which adopts ANSI X3.23-1985.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50435
NPRM Comment Period End	03/15/89	53 FR 50435
Final Action	01/12/90	55 FR 1243
Final Action Effective	06/29/90	55 FR 1243

DOC—NIST **Completed Actions**

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA78

DEPARTMENT OF COMMERCE (DOC) — Prerule Stage
National Oceanic and Atmospheric Administration (NOAA)

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

410. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307(c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally approved State coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Final Action	08/30/85	50 FR 35210
Decision Whether To Proceed With Rulemaking	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: NOAA issued a final rule August 31, 1985, making the changes required by the Supreme Court decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations. Further revision has been deferred pending review of public comment on the April study, and amendments to the CZMA enacted in 1986. In addition, the CZMA will be reauthorized soon, and amendments to the CZMA may result, which would require further regulatory revision. Based on this review, NOAA will evaluate the need for, and consequences of further revision of the regulations.

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Washington, DC 20235, **202 673-5100**

RIN: 0648–AA34

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

411. REGULATIONS ON STRIPED BASS IN EXCLUSIVE ECONOMIC ZONE OFF NORTH EAST ATLANTIC COAST

Legal Authority: PL 100-589; 16 USC 1801 et seq; 16 USC 1851

CFR Citation: 50 CFR 656

Legal Deadline: None

Abstract: Section 6 of the Atlantic Striped Bass Conservation Act requires the Secretary of Commerce to implement regulations on striped bass fishing in the Exclusive Economic Zone. Such regulations are to be consistent with the national standards of the Magnuson Act and compliment regulations on striped bass in State waters. Comments were obtained on alternative regulations from various entities through an ANPR. NOAA is pursuing implementation of regulations that would prohibit the harvest of striped bass from the EEZ and prohibit possession of striped bass while fishing in the EEZ.

Timetable:

Action	Date	FR Cite
NPRM	04/03/90	
NPRM Comment Period End	05/18/90	
Final Action	08/16/90	
Final Action Effective	09/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: David G. Deuel, Fishery Biologist, Department of

Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2347

RIN: 0648–AB25

412. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None

Abstract: As required under PL 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
NPRM	09/01/90	
NPRM Comment Period End	10/01/90	
Final Action	01/01/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, 907 568-7414

RIN: 0648–AB51

413. AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will: (1) set a total allowable catch (TAC) for the U.S. fishery in 1991; (2) prohibit directed swordfishing until the TAC projected for the upcoming year exceeds projected catch by at least 10 percent; (3) prohibit use of lightsticks until directed fishery is reopened; (4) allocate TAC to the bycatch fishery in a manner encouraging vessels to pay for and carry observers; (5) prohibit nighttime longlining after the TAC is reached; (6) prohibit imports of swordfish after the quota is taken and the U.S. fishery is closed; (7) allow a small recreational fishery; (8) set a control date of August 16, 1989; (9) prohibit drift entanglement gillnet fishing for swordfish; and (10) add a definition of "overfishing." Objectives are to: (1) rebuild spawning stock to a level associated with F0.1 fishing mortality, (2) begin stabilizing or reducing number of fishery participants, (3) increase yield per recruit by shifting mortality to larger fish, and (4) encourage complementary international management regimes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB92

414. AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will: (1) update the FMP by revising sections containing biological information and catch statistics and correcting minor errors, (2) add sections considering fish habitat and vessel safety, (3) defer regulation of commercial and recreational fisheries in the EEZ off Alaska to the State, (4) continue to allow sport salmon fishing throughout the management area, (5) retain the ban on salmon fishing with nets in both West and East management areas, (6) retain the ban on commercial salmon fishing in the West Area, (7) continue to allow hand-troll and power-troll salmon fishing in the East Area, and (8) add a definition of overfishing.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC00

415. AMENDMENT 4 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 611.70

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Amendment 4 will restructure and update the Pacific Coast Groundfish FMP to make it a more useful and timely document. It also will consider providing the flexibility to address a wider range of problems. The major issues in Amendment 4 will examine quota management, the application of "optimum yield", the ability to impose management measures

for social and economic reasons (as long as the resource will not be jeopardized), deletion of the 30 percent lid on annual in-season increases to ABC and OY, ways to expedite the experimental fishing permit process, and the review and adoption of state regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	
NPRM Comment Period End	07/30/90	
Final Action	09/18/90	
Final Action Effective	10/18/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. I, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC43

416. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.

Timetable:

Action	Date	FR Cite
ANPRM	06/06/88	53 FR 20661
ANPRM Comment Period End	07/18/88	
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Following consultation with Regional Fishery Management Councils and industry representatives, the action was put on hold in February 1989, by the Assistant Administrator for Fisheries, NOAA, to await the outcome of voluntary observer programs planned by the fishing industry in Alaska waters for the 1989 and 1990 fishing seasons.

Agency Contact: Peter H. Fricke, Sociologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Cons. & Mgt., 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2334

RIN: 0648–AC45

417. SCIENTIFIC RESEARCH - DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Sydney A. Minnerly, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2292

RIN: 0648–AC61

418. REGULATION TO CONTROL ILLEGAL FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND OVERFISHING OUTSIDE THE EEZ

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.7; 50 CFR 611.93

Legal Deadline: None

Abstract: Foreign fishing on the high seas of the central Bering Sea takes excessive amounts of stocks of Alaska pollock which may be shared in the economic zones of the United States and the Soviet Union. The foreign fleets also use such fishing for illegal fishing incursions in the U.S. EEZ under cloud cover and cover of darkness.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/88	53 FR 13422
ANPRM Comment Period End	05/25/88	
NPRM	10/00/90	
Final Action	01/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, F/CM1, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2337

RIN: 0648–AC66

419. REGULATORY AMENDMENT FOR INTERACTION BETWEEN SUMMER FLOUNDER FISHERY AND ENDANGERED SPECIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 625

Legal Deadline: None

Abstract: Regulatory amendment to establish monitoring and reporting in the summer flounder winter trawl fishery and its interaction with endangered species.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
NPRM Comment Period End	06/14/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

DOC—NOAA **Proposed Rule Stage**

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC67

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420. RESUBMITTED PART OF AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final rule 75 days after receipt from the fishery management council.

Abstract: The amendment will require that white shrimp taken in the Exclusive Economic Zone and transported into Louisiana shall be in accordance with landing and possession laws with respect to size.

Timetable:

Action	Date	FR Cite
NPRM	10/17/90	
NPRM Comment Period End	11/11/90	
Final Action	12/18/90	
Final Action Effective	01/11/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC75

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421. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: Amendment will: (1) extend the management area for Atlantic groups of mackerels through the Mid-Atlantic Council's area of jurisdiction; (2) revise previously listed problems and identify new problems in the fishery and new plan objectives; (3) revise the fishing year for Gulf Spanish mackerel; (4) revise the definition of overfishing; (5) add cobia to the annual stock assessment procedure and provide that the S. Atl. Council will be responsible for preseason adjustment of TACs and bag limits for the Atl. groups of mackerel while the Gulf Council will be responsible for Gulf migratory groups; (6) continue to manage the two Gulf migratory groups of king mackerel as one until measures appropriate to the eastern and western zones can be determined; (7) redefine recreational bag limits as daily limits; (8) prohibit sale of king mackerel taken under bag limits; (9) specify that Gulf king mackerel may be taken only by hook and line and runaround gillnets; (10) impose bag limit of two cobia per person per day; (11) establish 12-inch minimum size (FL) or 14-inch TL for king mackerel; and (12) include a definition of "conflict" to provide guidance to the Secretary of Commerce.

Timetable:

Action	Date	FR Cite
NPRM	03/02/90	
NPRM Comment Period End	04/13/90	
Final Action	06/05/90	
Final Action Effective	07/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC77

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422. AMENDMENT 19 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 14 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments contain management measures to limit roe stripping of pollock in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/01/90	
Final Action	09/03/90	
Final Action Effective	10/03/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC80

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423. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

DOC—NOAA

Proposed Rule Stage

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days of receipt of the amendment from the fishery management council.

Abstract: Amendment 1 to the fishery management plan is expected to: (1) broaden the management unit to include scup and black sea bass; (2) reduce fishing in both the summer flounder and scup fisheries and manage fishing in the black sea bass fishery to ensure that overfishing does not occur; (3) reduce fishing mortality on immature summer flounder, scup, and black sea bass; (4) increase the yield from the fishery; and (5) define overfishing of the stock complex as required by amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/15/90	
NPRM Comment Period End	12/30/90	
Final Action	02/18/91	
Effective		
Begin Review	03/20/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC83

424. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA COMMENCING IN 1978 (FMP)

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 10 will address a number of fishery management issues including: (1) modified spawning escapement goal for Klamath River fall chinook; (2) revised criteria for geographic and in-season deviations from the non-treaty harvest allocations north of Cape Falcon, Oregon; (3) achievement of recreational season duration goals between Cape Falcon and Orford Reef Red Buoy following in-season reallocations to the commercial fishery; (4) additional flexibility in fishery opening and closing times and changes in the duration of reopened fisheries; (5) event and date changes in the preseason process for establishing season measures; and (6) add a definition of overfishing for each managed stock or stock complex.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	02/00/91	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building I, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC85

425. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO AND SOUTH ATLANTIC SPINY LOBSTER FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: Require licenses for spiny lobster recreational fishermen. Implementation pending Florida licensing system accuracy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC86

426. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 644

Legal Deadline: None

Abstract: This regulatory amendment will change the regulations implementing the Fishery Management Plan for Atlantic Billfish (FMP) to: (1) broaden the definitions of "dealer" and "billfish" for the limited purposes of ascertaining the eligibility for sale of a billfish possessed by a dealer or processor; (2) clarify the scope of the regulations; and (3) prohibit the removal at sea of the head, fins or bill from a billfish. Purposes of the regulatory amendment are to: (1) ensure that a billfish from its management unit is not purchased, bartered, traded or sold in any State; (2) express clearly the FMP's intent; and (3) enhance enforceability of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department

DOC—NOAA **Proposed Rule Stage**

of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC87

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427. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 measures will provide tighter controls for some of the Gulf of Maine's small-mesh fisheries because of their high discard rates of cod, haddock, pollock, and flounders. Management measures will include: (1) replacing the exempted fisheries program with an experimental fishery; (2) limiting the shrimp fishery to January, February, and March; (3) including silver hake, red hake, and ocean pout as regulated species with the appropriate management measures; (4) implementing a minimum mesh size of 2 1/2 inches in areas outside the regulated mesh area; (5) establishing a Cultivator Shoals whiting fishery; (6) limiting vessels to one mesh onboard; and (7) establishing a seasonal closure in the Nantucket Lightship Area.

Timetable:

Action	Date	FR Cite
NPRM	01/15/91	
NPRM Comment Period End	03/01/91	
Interim Final Rule	04/20/91	
Final Action	05/20/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AC88

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428. AMENDMENT 6 TO THE NORTHERN ANCHOVY FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 662

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The Pacific Fishery Management Council will amend the Fishery Management Plan for Northern Anchovy to modify establishment of quotas from a spawning stock biomass basis to a total standing stock biomass basis. Because unusual environmental conditions can result in large standing stocks with low recruitment/spawning, the reduction fishery can be shut down in the midst of abundant standing stocks. In order to account for such situations, the Council will amend the procedures for determination of harvest allocations.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
NPRM Comment Period End	07/01/90	
Final Action	09/03/90	
Final Action Effective	10/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6194**

RIN: 0648–AC95

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429. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 after receipt of amendment from the South Atlantic Fishery Management Council.

Abstract: This amendment will attempt to address growth over fishing in the fishery for several species of reef fish of the South Atlantic EEZ. Additional species, such as wreckfish, may be added to the management unit. Closed areas to serve as sanctuaries for reef fish may be established. Overfishing of South Atlantic snappers and groupers will be defined to satisfy requirements of amended 50 CFR Part 602.

Timetable:

Action	Date	FR Cite
NPRM	11/15/90	
NPRM Comment Period End	12/30/90	
Final Action	02/18/91	
Final Action Effective	03/20/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, Florida 33702, **813 893-3141**

RIN: 0648–AC96

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430. REGULATORY AMENDMENT TO ESTABLISH A SPECIAL MANAGEMENT ZONE (SMZ) IN DADE COUNTY, FLORIDA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: This regulatory Amendment would establish a Special Management Zone (SMZ) as allowed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic. The SMZ would likely preclude use of certain gear types in a zone surrounding an artificial reef(s) in Dade County, Florida, to maintain reef fish populations for recreational or other purposes.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, Florida 33702, **813 893-3141**

RIN: 0648–AC97

431. GROUNDFISH OF THE GULF OF ALASKA AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS: REGULATORY AMENDMENT

Significance: Agency Priority

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: NOAA would require modifications to fish pot gear to minimize the incidental catch of Pacific halibut.

Timetable:

Action	Date	FR Cite
NPRM	11/01/90	
NPRM Comment Period End	12/01/90	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Steven Pennoyer, Regional Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC98

432. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

Abstract: The amendment to the Fishery Management Plan for Atlantic sea scallops is expected to: (1) address effort and/or vessel controls; (2) address current meat count/shell height standards; and (3) define overfishing of Atlantic sea scallops as required by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/15/90	
NPRM Comment Period End	12/30/90	
Final Action	02/18/91	
Final Action Effective	03/20/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AC99

433. ATLANTIC BLUEFIN TUNA FISHERY

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: Proposed rule to address the bycatch of Atlantic bluefin tuna in the South Atlantic and Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/15/90	
Final Action	07/01/90	
Final Action Effective	07/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AD01

434. DEPLETION OF THE COASTAL-MIGRATORY STOCK OF BOTTLENOSE DOLPHINS IN THE U.S. MID-ATLANTIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act; 16 USC 1383b

CFR Citation: 50 CFR 216.15

Legal Deadline: None

Abstract: Based on a review of the best available information on the status of the coastal-migratory stock of bottlenose dolphins in the U.S. Mid-Atlantic, the National Marine Fisheries Service (NOAA Fisheries) is considering the publication of a proposed rule designating this population stock as depleted under the Marine Mammal Protection Act (MMPA). This action is required by the MMPA when a species or population stock falls below its optimum sustainable population (OSP). If this population stock is designated as depleted, the MMPA requires the application of certain additional restrictions on taking and importation, and the preparation and implementation of a conservation plan to restore the stock to OSP. NOAA Fisheries is also requesting any additional scientific information on this action that may be available from interested parties, as required by the MMPA Amendments of 1988.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/89	54 FR 41654
ANPRM Comment Period End	12/17/89	
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $25,000; Yearly Recurring Cost: $50,000; Base Year for Dollar Estimates: 1990

Agency Contact: Georgia Cranmore, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AD02

435. ● REPEALING REGISTRATION PROGRAM THAT HOOK AND LINE VESSELS WOULD HAVE TO PROVIDE BY GOA GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This rule would repeal the requirements for vessel registration in the sablefish hook-and-line fishery in the Gulf of Alaska. The regulation at 50 CFR 672.6 was useful in prior years for the management of the sablefish fishery. Now, catches by the fleet during the fishing season can be estimated since the number of vessels in the sablefish fleet has stabilized.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald J. Berg, Fishery Management Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7230

RIN: 0648–AD06

436. ● LIST WINTER-RUN CHINOOK SALMON OF THE SACRAMENTO RIVER AS A THREATENED SPECIES UNDER THE ENDANGERED SPECIES ACT

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226; 50 CFR 227

Legal Deadline: None

Abstract: NMFS proposes to list the Sacramento River Winter-run Chinook salmon as threatened under provisions of the Endangered Species Act. Between 1967 and 1985, the run declined from a 3-year mean run size of about 84,000 fish to a mean run size of less than 3,000 fish. However, the 1989 run was only 500 fish. Currently, the species is listed on an emergency interim basis, which expires April 4, 1990. Portions of the Sacramento River will be designated as critical habitat.

Timetable:

Action	Date	FR Cite
NPRM	03/20/90	55 FR 10260
NPRM Comment Period End	05/21/90	55 FR 10260
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD07

437. ● AMENDMENT 2 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Gulf of Mexico Fishery Management Council.

Abstract: Amendment 2 would prohibit the harvest and possession of jewfish within the exclusive economic zone of the Gulf of Mexico. The intent of Amendment 2 to the Gulf of Mexico Reef Fish Fishery Management Plan is to protect jewfish from apparent overfishing and allow for stock rebuilding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/15/90	
Final Action	07/03/90	
Final Action Effective	08/02/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD10

438. ● REVISED REGULATIONS GOVERNING PERMITS FOR THE TAKING AND IMPORTING OF MARINE MAMMALS FOR SCIENTIFIC RESEARCH AND PUBLIC DISPLAY

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: The National Marine Fisheries Service is conducting the first comprehensive examination of its permit program for scientific research and public display since the passage of the Marine Mammal Protection Act in 1972 and issuance of permit regulations in 1974 (15 CFR 216). The review encompasses all aspects of permit program policy, procedures, and management concerning marine mammals under the authority of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq., and the Endangered Species Act, 16 U.S.C. 1531 et seq. At the conclusion of this permit program review the National Marine Fisheries Service will issue proposed revised regulations governing permits for the taking and importing of marine mammals for scientific research and public display.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Art Jeffers, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2239

RIN: 0648–AD11

439. ● SECRETARIAL FISHERY MANAGEMENT PLAN FOR ATLANTIC OCEAN SHARKS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: NPRM, Statutory. NPRM 15 days after the beginning of a 60-day period for fishery management council's consideration and comment on the Secretarial Plan.

Abstract: The Secretarial Fishery Management Plan establishes a new management program intended to: (1) prevent overfishing of Atlantic Ocean sharks; (2) encourage management of sharks throughout their range; (3) establish a data collection research, and fishery monitoring program; (4) prohibit the practice of "finning"; and (5) optimize benefits and minimize wastes of shark resources. Proposed measures include: (1) a commercial quota; (2) a recreational bag limit; (3) prohibition on "finning"; (4) commercial fishing and dealer permits; (5) prohibition on selling recreational catch; (6) reporting of catch and effort information by commercial vessels and landing and price information by dealers; (7) an annual fishing year beginning June 1 of each year; and (8) a requirement for all fishermen to cut the fishing line for all sharks not taken as part of the quota or bag limit.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	06/01/90	
Final Action Effective	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Additional Information: Will involve new collections of information under the Paperwork Reduction Act.

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD12

440. ● LISTING OF NORTHERN SEA LIONS IN CENTRAL AND WESTERN ALASKA AS THREATENED UNDER THE ENDANGERED SPECIES ACT

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq, Endangered Species Act

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: The Endangered Species Act (ESA) requires that a species or population be listed as "threatened" when it is likely to become an endangered species, i.e., is in danger of extinction within the foreseeable future throughout all or a significant portion of its range. A survey of Northern Sea Lion abundance from the Central Aleutian Islands to the Central Gulf of Alaska conducted by the National Marine Fisheries Service (NMFS) in June-July 1989 shows a precipitous decline in numbers (63 percent) since 1985. Compared to estimates in 1960, overall abundance declined in the study area by 82 percent. There are about 53,000 adult and juvenile Northern Sea Lions in Alaskan waters. NMFS is adding Northern Sea Lions west of 141 W longitude in Alaska to the list of threatened species contained in 50 CFR 227.4. Further regulatory action may be required to identify critical habitat needs and conservation measures to prevent further declines. This regulatory action is mandated by statute and should result in the recovery of Northern Sea Lion populations to previous levels.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $50,000; Yearly Recurring Cost: $100,000; Base Year for Dollar Estimates: 1990

Additional Information: The Environmental Defense Fund, on behalf of 17 environmental organizations, has petitioned NMFS for Emergency Rulemaking to add the Northern Sea Lion in Alaska to the list of Endangered Species.

Agency Contact: Georgia Cranmore, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AD13

441. ● WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES-AMENDMENT 3 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for bottomfish and seamount groundfish of the Western Pacific. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR Part 602 effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment Period End	01/00/91	
Final Action	02/00/91	
Final Action Effective	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AD14

442. ● WESTERN PACIFIC PRECIOUS CORALS - AMENDMENT 2 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 680

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for precious corals of the Western Pacific. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR Part 602 effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment Period End	01/00/91	
Final Action	02/00/91	
Final Action Effective	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Perry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AD16

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443. ● FISHERY MANAGEMENT PLAN FOR THE RED DRUM FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This fishery management plan will establish objectives, definitions, and management measures to manage and conserve the red drum resource of the exclusive economic zone off the South Atlantic coast. Management measures may include fishing restrictions in the EEZ, measures to increase escapement of young red drum to the offshore stock, and measures to encourage State compliance with Federal measures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	01/00/91	
Final Action Effective	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD17

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444. ● AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 21 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments contain management measures concerning onshore/offshore allocations in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	11/14/90	
Final Action	02/03/91	
Final Action Effective	03/05/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD18

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445. ● AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 20 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments contain management measures concerning bycatch issues in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

Timetable:

Action	Date	FR Cite
NPRM	07/15/90	
NPRM Comment Period End	08/30/90	
Final Action	11/16/90	
Final Action Effective	12/16/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD19

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446. ● AMENDMENT 4 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will define overfishing for American lobster as required by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/14/90	
NPRM Comment Period End	12/10/90	
Final Action	01/18/91	
Final Action Effective	02/23/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD20

447. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 645

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment defines overfishing for spiny lobster in Puerto Rico and the U.S. Virgin Islands as required by an amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	11/15/90	
Final Action	01/19/91	
Final Action Effective	02/18/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-4131

RIN: 0648–AD21

448. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final rule 110 days after receipt from the fishery management council.

Abstract: This amendment will (1) define overfishing for spiny lobster in the Gulf of Mexico and South Atlantic, and (2) require fisherman to pay a fee for a permit to participate in the fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/28/90	
NPRM Comment Period End	12/12/90	
Final Action	01/30/91	
Final Action Effective	02/25/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD22

449. ● AMENDMENT 3 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 655

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will define overfishing for mackerel, squid, and butterfish in the northwestern Atlantic Ocean as required by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	11/15/90	
Final Action	01/19/91	
Final Action Effective	02/18/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD23

450. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will define overfishing for brown, pink, and white shrimp in the Gulf of Mexico as required by an amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/05/90	
NPRM Comment Period End	11/16/90	
Final Action	01/07/91	
Final Action Effective	02/01/91	

Small Entities Affected: Undetermined

DOC—NOAA **Proposed Rule Stage**

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AD24

451. ● REGULATIONS GOVERNING THE TAKE OF DOLPHINS INCIDENTAL TO REMOVING OIL AND GAS PLATFORMS IN THE GULF OF MEXICO

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS has received a request from the American Petroleum Institute for a take of bottlenose and spotted dolphins incidental to the removal of oil and gas platforms in the Gulf of Mexico. This activity is allowed under Section 101(a)(5) of the Marine Mammal Protection Act if the Service makes certain findings and if regulations are issued that cover monitoring and reporting.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	08/01/90	
Final Action	11/01/90	
Final Action Effective	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Ziobro, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2323**

RIN: 0648–AD25

452. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1991

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for 1991.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	
NPRM Comment Period End	10/30/90	
Final Action	12/15/90	
Final Action Effective	01/01/91	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2337**

RIN: 0648–AD26

453. ● AMENDMENT 1 TO THE SHALLOW-WATER REEFFISH FISHERY OF PUERTO RICO AND THE U.S VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 669

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final rule 110 days after receipt from the fishery management council.

Abstract: This amendment will: (1) define overfishing for shallow-water reeffish in Puerto Rico and the U.S. Virgin Islands as required by an amendment to 50 CFR Part 602, effective August 23, 1989; (2) allow a larger dimension for the minimum mesh size for fish traps; (3) specify the material to be used for the self-destruct panels of the traps to keep traps from ghost fishing after they have been abandoned or lost; (4) establish a closure for the Nassau grouper fishery; (5) add socio-economic data to the data collected; and (6) establish an area closure southwest of St. Thomas, U.S.V.I., to fishing during the spawning season for red hind.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	11/15/90	
Final Action	01/19/91	
Final Action Effective	02/18/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-4131**

RIN: 0648–AD27

454. ● CORALS AND CORAL REEFS OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC-AMENDMENT 1 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 638

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for corals and coral reefs of the Gulf of Mexico and the South Atlantic. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/23/90	
NPRM Comment Period End	01/12/91	
Final Action	02/25/91	
Final Action Effective	03/27/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450

DOC—NOAA

Proposed Rule Stage

Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD28

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455. ● APPROACHING MARINE MAMMALS

Legal Authority: 16 USC 1540(f); 16 USC 1361

CFR Citation: 50 CFR 214

Legal Deadline: None

Abstract: This rule will establish a minimum distance for approaches to marine mammals by humans, vessels, aircraft, and thrillcraft. These regulations are considered necessary because of the increasing popularity of whale watching and similar activities. Guidelines have not been effective in protecting marine mammals from this growing industry and from individuals wishing to view these animals too closely. An interim regulation regarding approaching humpback whales in Hawaii is working far better than previously used guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	
NPRM Comment Period End	05/15/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2322

RIN: 0648–AD30

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456. ● REGULATIONS GOVERNING U.S. FISHING IN COLUMBIAN TREATY WATERS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 695

Legal Deadline: None

Abstract: This rule will govern fishing by U.S. vessels in certain waters of the Caribbean Sea covered by a treaty between the United States and Colombia. Owners and operators of vessels fishing in treaty waters will be required to: (1) obtain certificates and permits; (2) report by radio entry and departure from treaty waters; (3) report catch and effort information; and (4) identify their vessels by displaying the official number. These regulations will also: (1) prohibit use of factory vessels, monofilament gillnets, tanks and airhoses, poisons, and explosives; (2) close the treaty waters of Quito Sueno to harvest or possession of conch; (3) close the treaty waters of Serrana and Roncador to harvest or possession of conch from July 1 to Sept. 30 each year; (4) set minimum size for conch; (5) prohibit retention or removal of eggs from berried spiny lobsters; (6) prohibit taking with spears of spiny lobsters; (7) require fish and lobster traps to have biodegradable escape panels; and (8) establish a minimum size limit for spiny lobsters.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	
NPRM Comment Period End	09/01/90	
Final Action	10/01/90	
Final Action Effective	01/01/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD31

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457. ● STONE CRAB FISHERY OF THE GULF OF MEXICO - AMENDMENT 4 TO DEFINE OVERFISHING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 654

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will revise the definition of overfishing for Gulf of Mexico stone crab. This will satisfy the requirement to revise overfishing definitions in all fishery management plans as established by an amendment to 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/23/90	
NPRM Comment Period End	01/12/91	
Final Action	02/25/91	
Final Action Effective	03/27/91	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AD32

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458. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the New England Fishery Management Council.

Abstract: Amendment 5 to the Northeast Multispecies Fishery Management Plan will establish significantly tighter effort controls to allow rebuilding of groundfish stocks.

Timetable:

Action	Date	FR Cite
NPRM	01/15/91	
NPRM Comment Period End	03/01/91	
Final Action	04/21/91	
Final Action Effective	05/21/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department

of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD33

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

459. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	12/01/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA33

460. FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: These regulations are being revised to update on-site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	12/01/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Washington, DC 20235, 202 673-5126

RIN: 0648–AA74

461. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB64

462. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/01/90	
NPRM Comment Period End	12/01/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW., Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC03

463. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW., Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC05

464. PROPOSED REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

DOC—NOAA **Proposed Rule Stage**

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Monterey Bay, if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Universal Bldg., Rm. 714, 1825 Conn. Ave., NW., Washington, DC 20235, **202 673-5126**

RIN: 0648–AC63

465. THE MONITOR NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 924

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	
Final Action	04/00/91	
Final Action Effective	05/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Washington, DC 20235, **202 673-5126**

RIN: 0648–AC78

466. REGULATION IMPLEMENTING 1990 AMENDMENTS TO SECTION 315 OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: This action will incorporate any amendments resulting from the planned 1990 reauthorization of section 315 of the Coastal Zone Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	
NPRM Comment Period End	08/00/91	
Final Action	10/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine & Estuarine Mgmt. Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Ave., NW., Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC90

467. PROPOSED REGULATIONS FOR THE NORTHERN PUGET SOUND NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Northern Puget Sound if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	03/00/91	
Final Action	08/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW., Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC91

468. PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW., Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC92

469. PROPOSED REGULATIONS FOR THE WESTERN WASHINGTON OUTER COAST NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding the Washington Pacific Coast if the area is designated as a National Marine Sanctuary.

DOC—NOAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	
NPRM Comment Period End	11/30/90	
Final Action	09/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW., Universal Bldg., Rm. 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC93

470. PROPOSED REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Stellwagen Bank if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	
Final Action	08/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Ave., NW., Universal Bldg., Rm. 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC94

471. ● REGULATIONS IMPLEMENTING 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1450 et seq

CFR Citation: 15 CFR 923; 15 CFR 928

Legal Deadline: None

Abstract: This action will incorporate any amendments from the planned 1990 reauthorization of sections 306 and 312 of the Coastal Zone Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	
NPRM Comment Period End	08/00/91	
Final Action	01/00/92	
Final Action Effective	03/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Room 701, Washington, DC 20235, 202 673-5100

RIN: 0648–AD09

OFFICE OF THE ADMINISTRATOR

472. NATIONAL SEA GRANT PROGRAM FUNDING REGULATIONS

Legal Authority: 33 USC 1123 (d)(7); 33 USC 1125; 33 USC 1127

CFR Citation: 15 CFR 917.2 (Revision); 15 CFR 917.11 (Revision); 15 CFR 917.20 (Revision); 15 CFR 917.21 (Revision); 15 CFR 917.22 (Revision); 15 CFR 917.30 (Revision)

Legal Deadline: Final, Statutory, December 28, 1988.
Applies only to revision of 15 CFR 917.20 to 917.22.

Abstract: Amendments to the Sea Grant Act require updating of implementing regulations to include:

Replace the "National Needs" program with a "strategic research program," essentially to focus on a more limited number of priority research areas;

Include two types of fellowships not previously recognized by statute and set forth selection procedures;

To update the international program in view of the broader geographic areas and activities authorized;

To provide more specific support for graduate education and interdisciplinary research in marine affairs.

There are no alternatives. Statutory amendments explicitly or implicitly require conforming amendments to the funding regulations. There are no costs involved.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Milholland, Senior Counselor, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Universal South Bldg., Rm. 603, Washington, DC 20230, 202 673-5200

RIN: 0648–AC54

473. LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

Significance: Regulatory Program

Legal Authority: 15 USC 4244

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: NOAA has agreed to amend its regulations for licensing private remote sensing space systems in response to a petition by news organizations. Petitioners seek clearer definition of when a license might be restricted because of national security. NOAA will consider ways to provide clarity to reassure potential applicants but will not consider the specific standard proposed by the media, which was rejected during the original rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/89	54 FR 01945
NPRM	06/30/90	
NPRM Comment Period End	08/31/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John A. Milholland, Senior Counselor/Satellite, Department of Commerce, National Oceanic and

DOC—NOAA **Proposed Rule Stage**

Atmospheric Administration, Room 603, 1825 Connecticut Avenue, NW., Washington, DC 20235, 202 673-5200

RIN: 0648–AC64

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

474. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Interim Final Rule	07/16/87	52 FR 26685
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Agency Contact: Mark Holliday, Acting Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Research and Environmental Information, Washington, DC 20235, 202 673-5335

RIN: 0648–AA38

475. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM, ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38881
NPRM Comment Period End	11/06/89	
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Deputy Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AA46

476. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into categories -- U.S. Grades A, B and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
NPRM	09/21/89	54 FR 38885
NPRM Comment Period End	11/06/89	
Interim Final Rule	04/00/90	
Final Action	05/30/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Deputy Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AA47

477. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to that of the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Interim Final Rule	03/18/88	53 FR 8910
Interim Final Rule	03/07/89	54 FR 9438
Comment Period End	06/07/89	54 FR 18519
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Sectors Affected: 091 Commercial Fishing

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources & Habitat Programs, NMFS, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AB46

478. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State or local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40699
NPRM Comment Period End	12/04/89	54 FR 40699
Final Action	04/30/90	
Final Action Effective	05/30/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Potential cost to applicants is estimated at $420. Cost per applicant is estimated at $210. Each applicant will be required to submit a conservation plan as part of the permit process.

Agency Contact: Charles Karnella, Chief, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources and Habitat Programs, NMFS, Silver Spring, MD 20910, 301 427-2323

RIN: 0648–AB47

479. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yds is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	11/23/87	52 FR 44912
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and

DOC—NOAA

Final Rule Stage

Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6201

RIN: 0648–AB79

480. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263; 50 CFR 267

Legal Deadline: None

Abstract: This revised rule will expand the coverage of established voluntary standards for grades of fish fillets to include a new market form or style of fillet in which bones are not removed. This style of fillet has become more familiar in the marketplace, resulting in the industry requesting the amendment. Responses to a previous request for comments indicate a national interest in this style of presentation. The amendment will allow this market form, bearing FDA's recommended labeling, to be inspected and reflect the U.S. Grade A mark.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23235
NPRM Comment Period End	09/06/89	54 FR 32362
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Deputy Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AC12

481. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 652

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Mid-Atlantic Fishery Management Council.

Abstract: Amendment 8 would address current regulatory restraints on industry designed to conserve the resource. The FMP objectives would be modified to promote economic stability, simplify regulations, and to allow more operational flexibility for the industry. The rule implementing Amendment 8 would: (1) replace the effort limitation system with an annual individual allocation system (allocations initially issued to vessels) in the surf clam and ocean quahog fisheries; (2) remove effort limitations in all areas; (3) combine the Mid-Atlantic, Nantucket Shoals, and Georges Bank Areas to reinstitute common management of the fishery coastwide; and (4) revise the surf clam minimum size limit provision allowing for annual suspension of the size limit.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/89	
NPRM	02/01/90	55 FR 3416
NPRM Comment Period End	03/15/90	
Final Action	04/12/90	
Final Action Effective	05/09/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: The rule implementing Amendment 8 contains four collection-of-information requirements subject to the Paperwork Reduction Act.

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC19

482. REGULATORY AMENDMENT-IMPLEMENTATION OF CONDITIONALLY APPROVED MEASURES UNDER AMENDMENT 2 TO THE SPINY AND SLIPPER LOBSTER FMP IN THE GULF OF MEXICO AND SOUTH ATLANTIC - PERMITS, BAG LIMITS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: This rule will require commercial and tail separation permits and establish a recreational bag limit during the regular season.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8485
NPRM Comment Period End	04/18/87	52 FR 8485
Final Action	04/01/90	
Final Action Effective	04/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC25

483. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SWORDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: None

Abstract: This regulatory amendment will modify the present data collection system to require 100 percent mandatory dealer reporting of landings and price for swordfish and incidental species caught in the domestic swordfish fishery. This information is required to determine total fishery landings, fishing effort, and biological data (e.g., size of population, age classes) for stock assessment purposes.

DOC—NOAA **Final Rule Stage**

The regulatory amendment also will (1) clarify the scope of the regulations; (2) modify the requirements and procedures for obtaining a vessel permit; and (3) modify procedures for submitting daily fishing records. The amendment is intended to (1) obtain more timely and accurate data on swordfish (and incidentally caught species) landings, value and size composition of the catch; (2) improve stock assessment capabilities; (3) ensure accountability for information submitted on permit applications; (4) ensure timeliness of information submitted on fishing records; and (5) clarify the intent of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	54 FR 53661
NPRM Comment Period End	01/29/90	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC41

484. BLUEFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 628

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This FMP was prepared jointly by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission to promote conservation of Atlantic bluefish by implementing management measures in State, as well as Federal waters. In the commercial fisheries these measures will require a permit for the sale of bluefish and a 20 percent allocation limit and in the recreational fishery a possession limit of ten bluefish per fisherman. This FMP also defines overfishing for bluefish as required by an amendment of 50 CFR Part 602, effective August 23, 1989.

Timetable:

Action	Date	FR Cite
ANPRM	07/12/89	54 FR 29363
NPRM	01/29/90	55 FR 2853
NPRM Comment Period End	03/15/90	
Final Action	04/03/90	
Final Action Effective	05/03/90	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930-3799, **508 837-9300**

RIN: 0648–AC51

485. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This rule will modify temporarily the boundary of the Tortugas shrimp sanctuary to reduce the area closed to trawl fishing. This action will enable fishermen to harvest marketable-sized shrimp during specified periods from three small areas that would otherwise be closed.

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 447
NPRM Comment Period End	02/05/90	
Final Action	03/01/90	
Final Action Effective	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC56

486. INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989. ANPRM legal deadline was January 20, 1989.

Abstract: 1988 Amendments to Marine Mammal Protection Act direct Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. Exclusive Economic Zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine Fisheries Service, reports on interactions with marine mammals and taking Government observers if required.

Timetable:

Action	Date	FR Cite
ANPRM	01/27/89	54 FR 04154
ANPRM Comment Period End	02/27/89	
NPRM	03/23/89	
NPRM Comment Period End	05/08/89	
Interim Final Rule	05/19/89	54 FR 21910
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $8,300,000; Yearly Recurring Cost: $7,900,000

Agency Contact: Nancy Foster, Director, Off. of Protected Resources and Habitat Prog, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-

DOC—NOAA

Final Rule Stage

West Highway, Silver Spring, MD 20910, 301 427-2332

RIN: 0648–AC65

487. REGULATIONS GOVERNING THE TAKING OF SMALL NUMBERS OF MARINE MAMMALS INCIDENTALLY TO OIL AND GAS EXPLORATION IN THE BEAUFORT AND CHUKCHI SEAS

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: Section 101(a)(5) of the Marine Mammal Protection Act directs the Secretary to allow, on request by U.S. citizens who engage in a specified activity (other than commercial fishing) in a specified geographical region, the incidental take of small numbers of marine mammals. The agency must find that the taking will have a negligible impact on the species or stocks, and will not have an unmitigable adverse impact on the availability of the species for subsistence uses. The Service received a request from 6 oil companies for a take of marine mammals incidental to oil exploration in the Beaufort and Chukchi Seas. These regulations allow a take if certain conditions are met including requirements for monitoring and reporting and a prohibition on taking in the spring lead system used by bowhead whales in the Chukchi Sea. These regulations allow the oil companies to proceed with energy exploration while protecting marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/88	53 FR 12169
ANPRM Comment Period End	07/13/88	
NPRM	10/03/89	54 FR 40703
NPRM Comment Period End	01/31/90	55 FR 1685
Final Action	06/01/90	
Final Action Effective	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/1335 East-West Highway, Silver Spring, MD 20910, 301 427-2323

RIN: 0648–AC69

488. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1991

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/26/89	54 FR 52971
NPRM Comment Period End	01/10/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2337

RIN: 0648–AC70

489. INTERIM FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES

Legal Authority: 46 USC 1177, sec 607, Merchant Marine Act, 1936, as amended

CFR Citation: 50 CFR 259

Legal Deadline: None

Abstract:

(A) Incorporate into existing regulations for the part of the Capital Construction Fund administered for fishermen new requirements imposed by the Tax Reform Act of 1986.

(B) Incorporate into existing regulations, clarification of existing restraints on the use of the Capital Construction Fund by fishermen.

(C) Incorporate into existing regulations, assessment of user fees for Capital Construction Fund benefits provided fishermen.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/12/88	53 FR 35202
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: (A) Under existing regulations, at 50 CFR Part 259, the acquisition of a qualified vessel is not interpreted to include the lease of a qualified vessel. The legislative history of the Tax Reform Act, 1986, indicates Congressional intent to consider lease hire payments from the CCF to be considered qualified withdrawals, if such payments are used for the acquisition of a qualified vessel through lease for a period of five years or more. The proposed rules would allow for payments from the CCF for such purpose. (B) Under existing conditions at 50 CFR Part 259, CCF benefits for fishermen are restricted in accordance with Part 251 of 50 CFR. The proposed rule would allow for either the moderation or lifting of these restrictions. (C) The proposed rules would add to 59 CFR Part 3 provisions for the assessment of user fee charges to fund operating costs for that portion of the CCF administered for fishermen.

Agency Contact: John A. Kelly, Jr., Program Leader, Capital Construction Fund Program, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2393

RIN: 0648–AC71

490. FISHERMEN'S PROTECTIVE ACT

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when Fishermen's Guarantee Program (whose regulations were also included in Part 258) was transferred to State Department.

Timetable:

Action	Date	FR Cite
Final Action	06/29/90	

Small Entities Affected: Businesses

Government Levels Affected: None

DOC—NOAA **Final Rule Stage**

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2396**

RIN: 0648–AC73

491. RESUBMITTED PART OF AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 75 days after receipt from the fishery management council.

Abstract: This amendment will prohibit the use of purse seines and run-around gillnets for the Atlantic Migratory group of king mackerel and drift gillnets for all of the Managed Coastal Migratory Pelagic Species.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	
NPRM Comment Period End	02/20/90	
Interim Final Rule	02/23/90	
Final Action	04/12/90	
Final Action Effective	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702-9450, **813 893-3141**

RIN: 0648–AC89

492. ● PERFORMANCE STANDARDS FOR TUNA VESSEL OPERATORS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NOAA will establish a system of performance standards for operators of U.S.-flag tuna purse seine fishing vessels that catch yellowfin tuna associated with marine mammals in the eastern tropical Pacific Ocean.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46086
NPRM Comment Period End	12/01/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. C. Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry St., Terminal Island, CA 90731, **213 514-6196**

RIN: 0648–AD03

493. ● ESTABLISHMENT OF ALLOCATIVE MANAGEMENT MEASURES FOR THE PACIFIC HALIBUT FISHERY IN THE PRIBILOF ISLANDS

Legal Authority: 5 UST 5; TIAS 2900; 16 USC 773 to 773K

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: This rule would implement certain allocative measures governing fishing for halibut in Regulatory Area 4C around the Pribilof Islands, as recommended by the North Pacific Fishery Management Council. The primary purpose and intended effect of this action is to enhance economic development of the Pacific halibut fishery carried out by persons who live on either of the Pribilof Islands or operate primarily in Regulatory Area 4C.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 06295
NPRM Comment Period End	03/18/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802-1668, **907 586-7221**

RIN: 0648–AD05

494. ● REGULATORY AMENDMENT-SOUTH PACIFIC TUNA FISHERIES

Legal Authority: 16 USC 973-973r

CFR Citation: 50 CFR 282

Legal Deadline: None

Abstract: This regulation implements the South Pacific Tuna Act of 1988 by setting forth requirements for U.S. flag tuna vessels to fish in a 10 million square mile area of the South Pacific Ocean encompassing the Treaty on Fisheries Between the Governments of certain Pacific Island States and the Government of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4031
Final Action	08/01/90	
Final Action Effective	08/01/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. C. Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, **213 514-6196**

RIN: 0648–AD15

495. ● REGULATORY AMENDMENT - U.S. NATIONALS FISHING IN SOVIET FISHERIES

Legal Authority: 16 USC et seq

CFR Citation: 50 CFR 299

Legal Deadline: None

Abstract: The regulation specifies procedures for U.S. nationals fishing in the Soviet economic zone. Procedures include annual permits, port calls, visas, emergency medical treatment, exchange of crews, research vessels and Soviet-imposed sanctions. U.S. nationals are required to comply with permit requirements, comply with Soviet law, protect marine mammals, and cooperate with enforcement procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/89	54 FR 29896
Final Action	06/29/90	
Final Action Effective	07/29/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: William W. Fox, Jr., Assistant Administrator for Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2239**

RIN: 0648–AD29

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

496. FINAL REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/89	54 FR 7953
NPRM Comment Period End	04/25/89	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB49

497. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) giving a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changing the name of the program to "National Estuarine Reserve Research System"; (3) increasing the amount of Federal financial assistance to $4,000,000 per site; and (4) requiring submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43816
NPRM Comment Period End	12/30/88	
Final Action	04/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB68

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

498. AMENDMENT 1 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will attempt to rebuild declining reef fish stocks, especially red snapper. A primary objective of the amendment will be to reduce red snapper harvest by 24 percent the first year through the use of a commercial quota of 3.1 million pounds, by the establishment of a 13-inch minimum fish for commercial and recreational fisheries taking red snapper, and by establishing a 7-fish red snapper bag limit per person in the recreational sector. The amendment will also protect other species of reef fish, as well as red snapper by proposing to: (1) reduce use of fish traps from 200 to 100 per vessel and expand the stressed area off Texas and Louisiana; (2) prohibit the use of bottom long lines shoreward of the 50-fathom curve; and (3) prohibit use of entanglement nets west of Cape San Blas, Florida, and shoreward of the 20-fathom curve east of Cape San Blas, Florida. Several additional species will be included in the management unit, and additional conservation measures will be forthcoming.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/89	54 FR 35707
Final Action	01/22/90	55 FR 2078
Final Action Effective	02/21/90	55 FR 2078

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: The rule implementing Amendment 1 contains two new collection-of-information requirements and revises two existing requirements subject to the Paperwork Reduction Act.

DOC—NOAA

Completed Actions

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC16

499. FISH AND SEAFOOD PROMOTION

Significance: Regulatory Program

Legal Authority: 16 USC 4001 to 4017 Fish & Seafood Promotion Act of 1986 (FSPA)

CFR Citation: 50 CFR 270, (New)

Legal Deadline: None

Abstract: The proposed rule describes the conditions under which seafood marketing councils for one or more species of fish or fish products authorized under the FSPA may be established and operated. The councils will be funded through self-assessment by segments of the industry represented on the council and are established through: (1) application of particular sector(s) of industry to the Secretary of Commerce; (2) favorable Secretarial review of the application; and (3) passage of a referendum conducted by the Secretary among sector participants. The Secretary appoints members to the councils from lists of nominees supplied by the industry. Councils will submit annual plans and budgets for species-specific marketing and promotion, including consumer education, research, and other activities. Costs to the Federal Government are estimated to range from $100,000 to $200,000 for program start-up and other initial costs to establish one council. Annual costs will vary and depend upon the number of applications received and the number of referenda conducted. Benefits to the industry may be substantial.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51284
NPRM Comment Period End	02/21/89	
Final Action	12/07/89	54 FR 50504
Final Action Effective	12/07/89	54 FR 50504

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Additional Information: The date for publication of the final rule to implement the FSPA regulations as they pertain to species-specific seafood marketing councils was not met. The issues raised as a result of public comments received on the proposed rule were complex, requiring further research and program and legal consultations.

Agency Contact: Thomas J. Billy, Acting Director, Office of Trade and Industry Services, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, NOAA, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2351

RIN: 0648–AC27

500. AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action will change the date from 1990 to 1992 to establish the new minimum vent size at 1 15/16 inches by 6 inches for rectangular vents or 2 7/16 inches diameter for circular vents; and implement a requirement that each trap shall have an escape panel or equivalent mechanism to keep a trap from ghost fishing after it has been abandoned or lost for 12 months or more.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37138
NPRM Comment Period End	10/16/89	
Final Action	11/24/89	54 FR 48617
Final Action Effective	12/24/89	54 FR 48617

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9360

RIN: 0648–AC28

501. AMENDMENT 2 TO THE SPINY LOBSTER FISHERY MANAGEMENT PLAN OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This rule establishes a regulatory amendment procedure for future implementation of gear and harvest restrictions to regulate the fishery in the Exclusive Economic Zone.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35212
NPRM Comment Period End	10/10/89	
Final Action Effective	10/27/89	54 FR 48059
Final Action	11/20/89	54 FR 48059

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC29

502. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: A mandatory reporting requirement for fishing vessel operators

who harvest salmon in the EEZ off Alaska and who sell, transport, or deliver salmon in the EEZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Withdrawn	01/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC39

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503. ATLANTIC TUNA FISHERIES - REGULATORY AMENDMENT

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: Proposed rule to change the time frame during which the daily catch rate for giant Atlantic bluefin tuna in the General category may be adjusted and to prohibit the use of spotter aircraft as an aid to fisheries for Atlantic bluefin tuna in all but the purse seine category.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/88	53 FR 10415
NPRM	07/17/89	54 FR 29916
NPRM Comment Period End	08/07/89	54 FR 29916
Final Action	03/20/90	55 FR 10244
Final Action Effective	04/19/90	55 FR 10244

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AC40

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504. REGULATORY AMENDMENT TO THE GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS AREA AND GROUNDFISH OF THE GULF OF ALASKA FISHERY MANAGEMENT PLANS—DEFINITION OF DIRECTED FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: The action redefines directed fishing in the Bering Sea/Aleutian Islands Area and Gulf of Alaska so that fishermen could sort their catches at sea and discard inadvertent catches of species so as to avoid violations.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40721
NPRM Comment Period End	11/01/89	54 FR 40721
Final Action	03/16/90	55 FR 9887
Final Action Effective	04/12/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC68

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505. AMENDMENT 18 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 13 TO THE FMP FOR GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: The rule provides for a reporting system for: groundfish catch and production; observer program; allocation of sablefish; area closures to protect king crab and walrus; establishment of Shelik of strait as a management area for Pollock; and flexibility for setting fishing seasons.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	54 FR 36333
NPRM Comment Period End	10/12/89	
Final Action	12/06/89	54 FR 50386
Final Action Effective	01/01/90	54 FR 50386

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC72

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506. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3 will address biological objectives of the FMP by establishing a "Flexible Area Action System" to enable the New England Fishery Management Council, its Multispecies Committee, and NMFS to respond in a timely manner to protect large concentrations of juvenile, sublegal, and spawning fish. Under this system, measures ranging from mesh size restrictions to limited closed areas could be implemented. This system is

needed to: (1) enhance age-at-entry controls; (2) eliminate the need for certain emergency actions; and (3) respond to requests from the fishing industry for timely action in a way that improves the climate for cooperation and progress between the Council and the fishing industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/89	54 FR 35908
NPRM	10/02/89	54 FR 40466
ANPRM Comment Period End	10/23/89	
NPRM Comment Period End	11/16/89	54 FR 40466
Final Action Effective	12/19/89	
Final Action	12/22/89	54 FR 52803

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC79

507. GROUNDFISH OF THE GULF OF ALASKA; GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Authorizes the Secretary to: (1) regulate directed fishing in the Gulf of Alaska to accommodate incidental harvest requirements; (2) reopen a prematurely closed fishery; (3) require fishermen to mark buoys used in the pot and hook-and-line fisheries; and (4) specify 12:00 noon Alaska local time as the starting and ending time for groundfish fishing seasons.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33727
NPRM Comment Period End	09/14/89	
Final Action	01/02/90	55 FR 31
Final Action Effective	01/26/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC81

508. PACIFIC COAST GROUNDFISH FISHERY - REGULATORY AMENDMENT TO FACILITATE ENFORCEMENT

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Two changes to the regulations implementing the fishery management plan for Pacific coast groundfish fisheries in the Exclusive Economic Zone off the coasts of Washington, Oregon, and California are proposed. The first change would require certain commercially caught groundfish species to be sorted prior to the first weighing after offloading. The second change would prohibit possession of unauthorized fixed gear on a fishing vessel. These changes would improve efficiency in enforcing fishing restrictions.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 35909
NPRM Comment Period End	09/29/89	
Final Action	01/02/90	55 FR 30
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building I, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC82

509. BLUE MUSSEL FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 30 days and final action within such time as the Secretary deems appropriate.

Abstract: Secretarial Fishery Management Plan on blue mussels to address the problem of periodic contamination of blue mussels with paralytic shellfish poisoning (PSP), particularly in the Nantucket Shoals area of the EEZ. Monitoring had been provided by the National Shellfish Sanitation Program whose jurisdiction does not extend to the EEZ. Because of cost this effort has become too burdensome and has been discontinued. Factors to be considered are definition of the management unit, interrelationship of the stock with other managed shellfish stocks in the EEZ and PSP monitoring procedures.

Timetable:

Action	Date	FR Cite
Withdrawn	01/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC84

510. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt of amendment from the fishery management council.

Abstract: Amendment 3 to the Fishery Management Plan is expected to address enforcement problems in the fishery by requiring landing of scallops during landing windows. Offloading from a sea scallop dredge vessel, or from a vessel landing sea scallops in the shell may be prohibited other than during a 12-hour offloading window. More flexible offloading windows are expected for other vessels.

DOC—NOAA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40463
NPRM Comment Period End	11/13/89	54 FR 40463
Final Action	01/05/90	55 FR 433
Final Action Effective	02/01/90	55 FR 433

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AD00

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511. ● IMPLEMENT OBSERVER PLAN UNDER AMENDMENTS 13 AND 18 TO THE FISHERY MANAGEMENT PLANS FOR THE GROUNDFISH FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS AREA, AND GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: The observer plan for the groundfish fisheries off Alaska that was authorized by the observer program in Amendments 13 and 18 to Bering Sea Groundfish and Gulf of Alaska Groundfish FMPs is implemented in this rulemaking. Responsibilities of NMFS, observer contractors, and observers are described. Frequency of compliance with observer requirements according to vessel size and amount of processing by shoreside facilities is described.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51042
NPRM Comment Period End	12/21/89	
Final Action Effective	02/07/90	
Final Action	02/12/90	55 FR 4839

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AD04

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512. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32563
Interim Final Rule	05/24/89	54 FR 22417
Final Action	12/21/89	54 FR 52342
Final Action Effective	12/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB50

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

513. FOREIGN FILING LICENSE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 100-418, Sec 9101(c)

CFR Citation: 37 CFR 5.14; 37 CFR 5.15; 37 CFR 5.25

Legal Deadline: None

Abstract: Amends regulations to conform with changes made in Trade Bill (Public Law 100-418) Section 9101 which amended Title 35, United States Code sections 184, 185 and 186. The legislation deleted "inadvertently" in view of narrow interpretation by the Courts. "Inadvertently" was replaced with "through error and without deceptive intent." The change would permit additional subject matter in foreign applications if it does not change the nature of the invention or disclose national security information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	
Final Action Effective	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Kenneth Cage, Director, Group 220, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-2877

RIN: 0651–AA09

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514. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.12; 37 CFR 1.84; 37 CFR 1.88

Legal Deadline: None

Abstract: Clarifications to requirements for patent application drawings. Revisions for addressing mail to the Patent and Trademark Office. Inclusion of security agreement recording in trademark records of ownership (assignments).

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	11/00/90	

DOC—PTO **Proposed Rule Stage**

Action	Date	FR Cite
Final Action Effective	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theresa A. Brelsford, Assistant Commissioner for Administration, Department of Commerce, Patent and Trademark Office, 2121 Crystal Drive, PK2 908, Arlington, VA 20231, 703 557-2290

RIN: 0651–AA34

515. ● PATENT AND TRADEMARK ASSIGNMENT RULES

Legal Authority: 35 USC 6; 35 USC 261; 15 USC 1060; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.331; 37 CFR 1.332; 37 CFR 1.333; 37 CFR 1.334; 37 CFR 1.335; 37 CFR 2.185; 37 CFR 2.186; 37 CFR 2.187

Legal Deadline: None

Abstract: The Patent and Trademark Office proposes to modify the rules relating to recording assignments involving patents and trademarks. Currently, there are two sets of rules - one for patents and one for trademarks. The Office plans to consolidate the assignment rules into one set of rules.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda M. Skoro, Assistant Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4035

RIN: 0651–AA43

516. ● DRAWING CHANGES IN PATENTS CASES

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 113; 35 USC 114; 35 USC 161; 35 USC 171

CFR Citation: 37 CFR 1.81; 37 CFR 1.83; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.88; 37 CFR 1.96; 37 CFR 1.136; 37 CFR 1.152; 37 CFR 1.154; 37 CFR 1.165: 37 CFR 1.174

Legal Deadline: None

Abstract: Drawing rules have caused confusion and slowed down the processing of patent applications. The PTO proposes to clarify the requirements for patent drawings and also to expedite patent drawing procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jeffrey V. Nase, Supervisory Petitions Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4282

RIN: 0651–AA44

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

517. VARIETY DENOMINATION REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52963
NPRM	11/02/87	52 FR 42016
NPRM Comment Period End	01/08/88	52 FR 42016
Final Action	07/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: H. Dieter Hoinkes, Legislative and International Intellectual Property Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651–AA12

518. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None

Abstract: 37 CFR 1.56 and 1.97-1.99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11334
NPRM Comment Period End	06/20/89	54 FR 11334
Final Action	06/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: John H. Raubitschek, Associate Solicitor, Department of Commerce, Patent and Trademark

DOC—PTO **Final Rule Stage**

Office, Washington, DC 20231, 703 557-4035

RIN: 0651–AA27

519. REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING DNA/RNA AND PROTEIN SEQUENCE DISCLOSURES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.221, (New); 37 CFR 1.222, (New); 37 CFR 1.223, (New); 37 CFR 1.224, (New); 37 CFR 1.225, (New)

Legal Deadline: None

Abstract: The rules would require the submission of DNA/RNA and protein sequences to be in a standard format in patent applications, to be in a separate part and also be submitted in electronic form such as diskette or tape. The submissions would simplify search, examination and publication and would facilitate the establishment of a searchable data base.

Timetable:

Action	Date	FR Cite
NPRM	05/02/89	54 FR 18671
NPRM Comment Period End	07/12/89	54 FR 18671
Final Action	04/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Lois E. Boland, Special Program Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-8384

RIN: 0651–AA37

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO) **Completed Actions**

520. PATENT AND TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Significance: Regulatory Program

Legal Authority: 35 USC 6; 35 USC 41; 15 USC 1113; PL 100-703

CFR Citation: 37 CFR 1.21; 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to establish a reasonable user fee for access to its automated full-text patent search system and automated trademark search system in its public facilities in Arlington, Virginia.

Timetable:

Action	Date	FR Cite
NPRM	05/03/89	54 FR 18907
NPRM Comment Period End	06/30/89	54 FR 18907
Final Action	12/11/89	54 FR 50942
Final Action Effective	02/12/90	54 FR 50942

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Frances Michalkewicz, Director, Office of Long Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-1610

RIN: 0651–AA40

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA) **Prerule Stage**

521. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 100

Legal Deadline: None

Abstract: PL 99-502 amended the Stevenson-Wydler Innovation Act of 1980 by establishing a number of procedures to encourage the development of technologies by laboratories owned or operated by the Federal Government, to facilitate the transfer of such technologies to the public, and to promote cooperation between these laboratories and the private sector.

Executive Order 10096 would be amended with regard to the Government's rights to ownership of inventions created in laboratories owned or operated by the Federal Government. A revised version of the Executive order might be prepared and regulations would be developed to implement the amendments effected by PL 99-502.

This action will not increase Federal costs. In the short run it will encourage private sector collaboration to assist work done in Federal laboratories by appropriated funds, and in the long run increased commercialization of patents and inventions will increase tax revenues.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Joseph P. Allen, Deputy Director, Office of Technology, Commercialization, Department of Commerce, Technology Administration, Room H 4204, Washington, DC 20230, 202 377-8101

RIN: 0692–AA05

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Proposed Rule Stage

522. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None

Abstract: This action will revise 37 CFR 404 to simplify the process by which U.S. industry can obtain license to patented inventions owned by the Government. PL 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Joseph P. Allen, Deputy Director, Office of Technology, Commercialization, Department of Commerce, Technology Administration, Room H 4204, Washington, DC 20230, **202 377-8101**

RIN: 0692–AA04

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Final Rule Stage

523. METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 205a et seq Metric Conversion Act

CFR Citation: 15 CFR 19 Subpart B (Revised)

Legal Deadline: Other, Statutory, September 30, 1992.
15 USC 205(1) (as amended by sec. 5164 of PL 100-418) calls for the Comptroller General to review the implementation of the amended policy and report his finding to Congress along (cont)

Abstract: The CFR must be updated to reflect the new Federal policy, as amended by the 1988 Trade Act (PL 100-48), regarding Federal use of the metric system in its procurements, grants and other business-related activities, and the impact on State and local governments and the private sector of this transition. No alternatives are being considered.

The costs to the Federal Government cannot be accurately estimated, but will include the cost of redoing some regulations and publications, costs associated with orienting employees and contractors to use of the metric system and some share of contractor costs for converting. The benefits will be the greater marketability of U.S. products which will improve our competitive posture in world markets and thereby improve U.S. trade balances.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41848
NPRM Comment Period End	11/13/89	54 FR 41848
Interim Final Rule	04/00/90	
Final Action	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

LEGAL DEADLINE DESCRIPTION CONT: with any legislative recommendation.

Agency Contact: G. T. Underwood, Director of Metric Program Office, Department of Commerce, Technology Administration, Rm 4841, Washington, DC 20230, **202 377-3036**

RIN: 0692–AA07

[FR Doc. 90-5938 Filed 04-20-90; 8:45 am]
BILLING CODE 3510-BW-T

federal register

Monday
April 23, 1990

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under E.O. 12291 "Federal Regulation" and the Office of Federal Procurement Policy Act of 1988 (102 Stat. 4055; 41 U.S.C. 402). This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, the Federal Procurement Policy Act, and other regulatory programs. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, public, or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on October 30, 1989, and includes regulations expected to be issued and under review over the next 12 months. The procurement-related agenda items included in this publication will also be used by the Office of Federal Procurement Policy to publish a "Procurement Regulatory Activity Report" as required by the Office of Federal Procurement Policy Act Amendments of 1988.

The next agenda is scheduled to be published in October 1990. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mrs. Pearl Rascoe-Harrison; telephone 202-746-0933, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives, Directorate, Washington Headquarters Services; telephone 202-697-4111. For general information on the procurement-related agenda items, contact Mr. Owen L. Green III; telephone 202-697-7266, or write to the Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton; telephone 202-325-6297, or write to Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PGR, Room 1420, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg; telephone 202-697-7216, or write to Department of the Navy, Information Resources Management, IRM(C), Washington, DC 20350-1000.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner; telephone 202-694-3527, or write to Department of the Air Force, SAF/AAIA, Pentagon, Washington, DC 20330-1000.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports, including procurement-related regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements with follow-on reporting actions taken as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle, which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act;

c. GATT International Trade Agreement; and

d. Office of Federal Procurement Policy Act Amendments of 1988.

These DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the

DOD

Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 and section 1 of E.O. 12291.

D. O. Cooke,

Director, Administration and Management.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
524	Contractor ADP Software Costs (DAR Case 87-051)	0790-AC07
525	Rewrite of DFARS Part 237 (DAR Case 88-068D)	0790-AC08
526	Notification of Ownership Changes (DAR Case 89-117)	0790-AC10
527	Environmental Cost Principle (DAR Case 88-127)	0790-AC11
528	South Africa Trade (DAR Case 88-150)	0790-AC13
529	Complete Rewrite of DFAR 225 (DAR Case 89-052)	0790-AC15
530	Exemptions From Cost or Pricing Data (DAR Case 89-064D)	0790-AC16
531	Product Quality Deficiency Reports (DAR Case 89-073)	0790-AC18
532	Suspension or Reduction of Payments (DAR Case 89-077)	0790-AC19
533	Warner Amendment Clarifications (DAR Case 89-083)	0790-AC20
534	Contract Reporting System (DAR Case 89-096)	0790-AC21
535	Quality Assurance Annex with Israel (DAR Case 89-100)	0790-AC22
536	Trade Agreements Act (DAR Case 89-106)	0790-AC24
537	Definition of Contractor (DAR Case 89-107)	0790-AC25
538	Domestic Source Polyacoylonite (DAR Case 89-108)	0790-AC26
539	Authority to Appoint Small and Disadvantaged Business Utilization (SADBU) Representatives (DAR Case 89-109)	0790-AC27
540	Pay As You Go Pension Plans (DAR Case 89-111)	0790-AC28
541	Revision to Liability Clause at 252.247-7110 (DAR Case 89-113)	0790-AC29
542	Subcontracting Plan Requirements (DAR Case 89-114D)	0790-AC30
543	Preparing Synopses in the Commerce Business Daily (DAR Case 89-118)	0790-AC31
544	Competition in Awards to Colleges and Universities (DAR Case 89-301)	0790-AC32
545	Laundry and Cleaning Services (DAR Case 89-303)	0790-AC33
546	Procuring Supplies and Services from Military Exchanges (DAR Case 89-304)	0790-AC34
547	Advisory and Assistance Services Test (DAR 89-306D)	0790-AC35
548	Simplified Approval of Contracts (DAR Case 89-307)	0790-AC36
549	Delegating Approval Authority for Certain Contracts (DAR Case 89-308)	0790-AC37
550	Small and Disadvantaged Business Concerns, Extension of 5 Percent Goal (DAR Case 89-311D)	0790-AC38
551	Credit for Indian Subcontracting (DAR Case 89-312D)	0790-AC39
552	Small Business Bond Waiver Authority (DAR Case 89-313D)	0790-AC40
553	Comprehensive Small Business Subcontracting Plans (DAR Case 89-314D)	0790-AC41
554	Preference for Commercial Items (DAR Case 89-315)	0790-AC42
555	Acquisition of Commercial Items (DAR Case 89-316)	0790-AC43
556	Off Duty Post Secondary Education Services (DAR Case 89-317)	0790-AC44
557	Thresholds for Part 219 (DAR Case 89-409D)	0790-AC45
558	Thresholds, Part 225 (DAR Case 89-412D)	0790-AC46
559	Thresholds, Part 227 (DAR Case 89-413D)	0790-AC47
560	Thresholds, Part 237 (DAR Case 89-421)	0790-AC48

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
561	Commercial Activities Program Procedures (DoD Instruction 4100.33)	0790-AA48
562	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
563	Total Quality Management (DoD Directive 5000.51)	0790-AB33
564	Confidentiality of Medical Quality Assurance (QA) Records (DoD Directive 6040.aa)	0790-AC06
565	Human Immunodeficiency Virus (HIV-1) (DoD Directive 6485.aa)	0790-AC49

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Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
566	Commerce Patent Regulations, PL 98-620 (DAR Case 85-056D)	0790-AB38
567	Claims, Equitable Adjustment (DAR Case 87-128D)	0790-AB46
568	Technical Data, Sec. 808, 1988 Authorization Act (DAR Case 87-303)	0790-AB48
569	Drug-Free Workforce (DAR Case 88-083)	0790-AB58
570	Competitive Threshold, PL 100-656, Sec 303(B)8(A) (DAR Case 88-325D)	0790-AB74
571	False Representation-Small Business, PL 100-656, Sec 405 (DAR Case 88-331D)	0790-AB76
572	Threshold, Price Reasonableness (DAR Case 88-400D)	0790-AB82
573	Small Disadvantaged Business; Historically Black Colleges and Universities - 5 Percent Goal - PL 100-180, Sec 806 (DAR Case 89-023A)	0790-AB94
574	Warranties (DAR Case 89-062)	0790-AC00
575	Data, Pricing Exhibits (DAR Case 88-120)	0790-AC09
576	Master Agreement for Repair and Alteration of Vessels (DAR Case 88-142)	0790-AC12
577	Alternate Disputes Provisions-New Procedure (DAR Case 89-104)	0790-AC23

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
578	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of PL 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
579	Commercial Activities Program; Procedures (DoD Instruction 4100.33)	0790-AA73
580	Equal Opportunity in Off-Base Housing (DoD Directive 1100.16)	0790-AB30
581	Military Whistleblower Protection (DoD Directive 7050.6)	0790-AB31
582	Department of Defense Military Equal Opportunity Program (DoD Directive 1350.2)	0790-AC05
583	Active Duty Service Determination for Civilian or Contractual Groups (DoD Directive 1000.20)	0790-AC50
584	Disposition of Proceeds From DoD Sales of Surplus Personal Property (DoD Instruction 7310.1)	0790-AC51
585	DoD Coordinator for Drug Enforcement Policy and Support (DoD Directive 5149.1)	0790-AC52
586	Review of Subcontractor's Proposed Contract Costs (DAR Case 84-096D)	0790-AB36
587	Cargo Preference Act (DAR Case 88-047)	0790-AB53
588	Intermediate-Range Nuclear Force Reduction Treaty (DAR Case 88-054)	0790-AB55
589	Space Defense Initiative Organization - Research, Development, Testing, and Evaluation (Glenn Amendment), PL 100-180, Sec 222, (DAR Case 88-119)	0790-AB62
590	Foreign Selling Costs, Sec 826, 1989 Authorization Act (DAR Case 88-300D)	0790-AB66
591	False Representation-Small Business, PL 100-656, Sec 405 (DAR Case 88-331)	0790-AB75
592	Contract Air Fares, Sec 833, PL 100-456 (DAR Case 88-336)	0790-AB79
593	Rural Area Business Development, Sec 129, PL 100-590 (DAR Case 88-341)	0790-AB80
594	Indian Owned Enterprise, Additional 5 Percent (DAR Case 88-342)	0790-AB81
595	Computer-Aided Acquisition and Logistics Support (CALS) (DAR Case 89-061)	0790-AB99
596	Support and Privileges for Contractor Personnel in Europe (DAR Case 89-069)	0790-AC01
597	Acquisition Plans/Justification and Acceptance; Supporting Documentation (DAR Case 89-072)	0790-AC02
598	Threshold, Part 5 (DAR Case 89-403D)	0790-AC03
599	Contractor Procurement System Reviews; Reduction of Separate Reviews (DAR Case 89-434)	0790-AC04
600	Short Form Research and Development Clauses for Contracts under $25,000 (DAR Case 89-027)	0790-AC14
601	Disposal of Hazardous Government Property (DAR Case 89-065)	0790-AC17

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
602	The Army General Counsel's Honors Program	0702-AA00

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Department of the Army—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
603	Airfield Certification and Use of Army Airfields by Other Than U.S. Department of Defense Aircraft	0702-AA02
604	Regulations Affecting Military Reservations: Prohibited Activities at Fort Bragg, NC	0702-AA17
605	AR 27-40 Litigation	0702-AA21

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
606	AR 27-20 Claims on Behalf of the United States	0702-AA19
607	AR 27-20 Claims Against the United States	0702-AA20

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
608	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D—Endangered Species Counterpart Regulations	0710-AA17
609	Nationwide Permit Program	0710-AA20
610	Part 325, Processing Department of the Army Permits	0710-AA23
611	Part 326, Enforcement; Class II Administrative Penalties	0710-AA25

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
612	Regulatory Programs of the Corps of Engineers, Part 325, App. C, Historic Properties	0710-AA12

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
613	Part 326, Enforcement: Class I Administrative Penalties	0710-AA24

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
614	Procedures for Implementing the Procedural Provisions of the National Environmental Policy Act	0703-AA31

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Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
615	Release of Official Information for Litigation	0703-AA30

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
616	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
617	Air Force Visual Information Systems (AFR 700-32)	0701-AA28
618	Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material (AFR 12-32)	0701-AA29
619	Air Force Privacy Act Program (AFR 12-35)	0701-AA30
620	Air Force Freedom of Information Act Program (AFR 12-30)	0701-AA31

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
621	Claims and Tort Litigation (AFR 112-1)	0701-AA19

DEPARTMENT OF DEFENSE (DOD)

Prerule Stage

Office of the Secretary (OS)

524. ● CONTRACTOR ADP SOFTWARE COSTS (DAR CASE 87-051)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 231

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Defense Logistics Agency to describe how to treat and evaluate contractors' ADP costs.

Timetable:

Action	Date	FR Cite
Case Opened	09/21/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC07

525. REWRITE OF DFARS PART 237 (DAR CASE 88-068D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to completely rewrite Part 237 to eliminate duplication and redundancy.

Timetable:

Action	Date	FR Cite
Case Opened	05/18/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC08

526. ● NOTIFICATION OF OWNERSHIP CHANGES (DAR CASE 89-117)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of

Defense to develop coverage requiring contractors to notify the Government of planned and completed ownership changes and any cost increases which might result. It also assures that pre-ownership change net book values are preserved.

Timetable:

Action	Date	FR Cite
Case Opened	12/20/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC10

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527. ● ENVIRONMENTAL COST PRINCIPLE (DAR CASE 88-127)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Air Force to establish a cost principle to make pollution cleanup costs, resulting from noncompliance with Federal, State and local laws, unallowable.

Timetable:

Action	Date	FR Cite
Case Opened	09/28/88	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC11

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528. ● SOUTH AFRICA TRADE (DAR CASE 88-150)

Legal Authority: PL 99-440, Sec 302

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement the provisions of PL 99-440, Sec 302 which prohibits trade and other transactions with South Africa.

Timetable:

Action	Date	FR Cite
Case Opened	12/20/88	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC13

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529. ● COMPLETE REWRITE OF DFAR 225 (DAR CASE 89-052)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to do a complete rewrite of DFAR Part 225 to eliminate duplication and redundancy.

Timetable:

Action	Date	FR Cite
Case Opened	05/15/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC15

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530. ● EXEMPTIONS FROM COST OR PRICING DATA (DAR CASE 89-064D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 248

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to ensure that contractors do not face possible loss of exemptions only because the amount of previous sales of the same type of items exceeds established regulatory thresholds.

Timetable:

Action	Date	FR Cite
Case Opened	06/20/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC16

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531. ● PRODUCT QUALITY DEFICIENCY REPORTS (DAR CASE 89-073)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Air Force to provide coverage needed to support the

Department of Defense Product Quality Deficiencies Reports Program. This program tracks quality problems that are discovered in supplies which have been accepted and are in inventory.

Timetable:

Action	Date	FR Cite
Case Opened	07/07/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC18

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532. ● SUSPENSION OR REDUCTION OF PAYMENTS (DAR CASE 89-077)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 232

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Air Force to provide guidance on reducing progress payments when unliquidated progress payments exceed the fair market value of undelivered work.

Timetable:

Action	Date	FR Cite
Case Opened	07/11/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC19

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533. ● WARNER AMENDMENT CLARIFICATIONS (DAR CASE 89-083)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Army to provide coverage to determine whether telecommunications that is considered ADP is subject to the Brooks Act and the Federal Information Resource Management Regulation (FIRMR) or if it is exempt from the Warner Amendment.

Timetable:

Action	Date	FR Cite
Case Opened	08/05/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC20

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534. ● CONTRACT REPORTING SYSTEM (DAR CASE 89-096)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 204

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to make changes to the Federal Procurement Data System reporting requirements of DOD.

Timetable:

Action	Date	FR Cite
Case Opened	09/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC21

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535. ● QUALITY ASSURANCE ANNEX WITH ISRAEL (DAR CASE 89-100)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: None

Legal Deadline: None

Abstract: Modify Appendix T of the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to include a Quality Assurance annex with Israel which permits Israel to perform certain quality assurance functions on DOD contracts with Israeli firms.

Timetable:

Action	Date	FR Cite
Case Opened	09/05/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC22

536. ● TRADE AGREEMENTS ACT (DAR CASE 89-106)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Defense Logistics Agency to add a definition of Domestic End Product for purposes of the Trade Agreements Act.

Timetable:

Action	Date	FR Cite
Case Opened	10/04/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC24

537. ● DEFINITION OF CONTRACTOR (DAR CASE 89-107)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 209

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Defense Logistics Agency to add a definition of contractor to include people who may reasonably be expected to become agents or representatives of other contractors.

Timetable:

Action	Date	FR Cite
Case Opened	10/05/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC25

538. ● DOMESTIC SOURCE POLYACOYLONITE (DAR CASE 89-108)

Significance: Agency Priority

Legal Authority: PL 100-202, Sec 8088

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Modify the DoD FAR Supplement to implement a suggestion by the Office of the Secretary of Defense to assure that a minimum of 50 percent of DoD's acquisition of Pan Fibre is procured from domestic sources by 1992.

Timetable:

Action	Date	FR Cite
Case Opened	10/12/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC26

539. ● AUTHORITY TO APPOINT SMALL AND DISADVANTAGED BUSINESS UTILIZATION (SADBU) REPRESENTATIVES (DAR CASE 89-109)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Defense Communications Agency (DCA) to allow DCA to have the authority to appoint Small and Disadvantaged Business Utilization (SADBU) representatives.

Timetable:

Action	Date	FR Cite
Case Opened	11/15/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC27

540. ● PAY AS YOU GO PENSION PLANS (DAR CASE 89-111)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 231

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Department of the Army to provide clarification to DFARS 231.205 regarding the funding and the payment of pension costs when a Pay-As-You-Go method is used.

Timetable:

Action	Date	FR Cite
Case Opened	11/22/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System,

Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC28

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541. ● REVISION TO LIABILITY CLAUSE AT 252.247-7110 (DAR CASE 89-113)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Department of the Army to increase contractor liability for loss and damage to domestic shipments moved under personal property Government Bills of Lading.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC29

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542. ● SUBCONTRACTING PLAN REQUIREMENTS (DAR CASE 89-114D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Department of the Navy to allow offerors to include in their subcontracting plans a description of those efforts the contractor plans to take to provide technical assistance to Small and Disadvantaged Businesses.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC30

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543. ● PREPARING SYNOPSES IN THE COMMERCE BUSINESS DAILY (DAR CASE 89-118)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 205

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Office of the Secretary of Defense to simplify instructions on how to prepare synopses for publication in the Commerce Business Daily (CBD).

Timetable:

Action	Date	FR Cite
Case Opened	12/27/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC31

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544. ● COMPETITION IN AWARDS TO COLLEGES AND UNIVERSITIES (DAR CASE 89-301)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 252

CFR Citation: 48 CFR 206

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: Modify the DOD FAR Supplement to comply with the requirements of PL 101-189, Sec 252 which requires clarification of the requirement for competition in award of Research and Development contracts and construction contracts with Colleges and Universities.

Timetable:

Action	Date	FR Cite
Case Opened	11/28/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC32

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545. ● LAUNDRY AND CLEANING SERVICES (DAR CASE 89-303)

Significance: Agency Priority

Legal Authority: PL 100-189, Sec 323

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-189, Sec 323 which authorizes use of other than competitive procedures when contracting with Navy Exchanges for laundry and cleaning services.

Timetable:

Action	Date	FR Cite
Case Opened	12/19/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC33

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546. ● PROCURING SUPPLIES AND SERVICES FROM MILITARY EXCHANGES (DAR CASE 89-304)

Significance: Agency Priority

Legal Authority: PL 100-189, Sec 324

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the requirements of PL 100-189, Sec 324, which authorizes use of other than competitive procedures when contracting overseas with any Military Exchange of the United States for supplies and services.

Timetable:

Action	Date	FR Cite
Case Opened	12/19/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC34

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547. ● ADVISORY AND ASSISTANCE SERVICES TEST (DAR 89-306D)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 812

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 812, which promotes a three-year test of master agreements with advisory and assistance contractors.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC35

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548. ● SIMPLIFIED APPROVAL OF CONTRACTS (DAR CASE 89-307)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 817

CFR Citation: 48 CFR 206

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 817, which specifies a lower approval level for procurements using other than competitive procedures because of international agreements or treaties.

Timetable:

Action	Date	FR Cite
Case Opened	11/29/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC36

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549. ● DELEGATING APPROVAL AUTHORITY FOR CERTAIN CONTRACTS (DAR CASE 89-308)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 818

CFR Citation: 48 CFR 206

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 818, which adds a new approval level for procurements between $10,000,000 and $50,000,000 using other than competitive procedures and to provide for delegation of Senior Procurement Executive Authority.

Timetable:

Action	Date	FR Cite
Case Opened	11/29/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition RTegulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC37

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550. ● SMALL AND DISADVANTAGED BUSINESS CONCERNS, EXTENSION OF 5 PERCENT GOAL (DAR CASE 89-311D)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 831

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 831, which extends for 3 years the Department of Defense objective of awarding a combined total of 5 percent of its total contract dollars during each of its fiscal

years to Small and Disadvantaged Business concerns.

Timetable:

Action	Date	FR Cite
Case Opened	12/05/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regilatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC38

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551. ● CREDIT FOR INDIAN SUBCONTRACTING (DAR CASE 89-312D)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 832

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 832, which permits subcontracts with American Indian firms to be counted toward the DOD subcontracting goals.

Timetable:

Action	Date	FR Cite
Case Opened	12/05/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington DC 20301-3062, 202 697-7266

RIN: 0790–AC39

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552. ● SMALL BUSINESS BOND WAIVER AUTHORITY (DAR CASE 89-313D)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 833

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the requirements of PL 101-189, Sec 833, which directs a test to waive bond requirements in certain construction contracts.

Timetable:

Action	Date	FR Cite
Case Opened	12/04/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC40

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553. ● COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS (DAR CASE 89-314D)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 834

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 834 which directs a test to negotiate and administer one comprehensive small business subcontracting plan for each Agency.

Timetable:

Action	Date	FR Cite
Case Opened	12/04/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC41

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554. ● PREFERENCE FOR COMMERCIAL ITEMS (DAR CASE 89-315)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 824

CFR Citation: 48 CFR 210

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the requirements of PL 101-189, Sec 824, which requires that the Department of Defense clearly reflect a preference for use of commercial and other nondevelopmental items.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-2062, 202 697-7266

RIN: 0790–AC42

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555. ● ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 824

CFR Citation: 48 CFR 214

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the

requirements of PL 101-189, Sec 824 which requires the development of a simplified uniform contract for the acquisition of commercial items.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC43

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556. ● OFF DUTY POST SECONDARY EDUCATION SERVICES (DAR CASE 89-317)

Significance: Agency Priority

Legal Authority: PL 101-189, Sec 518

CFR Citation: 48 CFR 206

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 101-189, Sec 518, which requires that the procurement of Post Secondary Services at overseas locations are adequate to ensure recipients have a choice of offerings.

Timetable:

Action	Date	FR Cite
Case Opened	12/06/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC44

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557. ● THRESHOLDS FOR PART 219 (DAR CASE 89-409D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to increase or eliminate certain thresholds in Part 219 as a result of a study on thresholds by Logistics Management Institute.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regularory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC45

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558. ● THRESHOLDS, PART 225 (DAR CASE 89-412D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to change and/or increase thresholds in Part 225 as a result of a study on thresholds by Logistics Management Institute.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 30201-3062, 202 697-7266

RIN: 0790–AC46

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559. ● THRESHOLDS, PART 227 (DAR CASE 89-413D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 227

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to eliminate or increase certain thresholds in Part 227 as a result of a study on thresholds by Logistics Management Institute.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC47

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560. ● THRESHOLDS, PART 237 (DAR CASE 89-421)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to eliminate or increase certain thresholds in Part 237 as a result of a study on thresholds by Logistics Management Institute.

DOD—OS

Prerule Stage

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC48

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Proposed Rule Stage

561. COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; EO 12615; PL 93-400

CFR Citation: 32 CFR 169a

Legal Deadline: None

Abstract: This proposed rule establishes procedures and criteria for use by the Department of Defense (DoD) to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

Timetable:

Action	Date	FR Cite
NPRM	04/18/89	54 FR 15442
NPRM Comment Period End	07/17/89	54 FR 15442

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Miglionico, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA48

562. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This part is being revised to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J. Brown, Department of Defense, Office of the Secretary, **202 696-4599**

RIN: 0790–AA84

563. TOTAL QUALITY MANAGEMENT (DOD DIRECTIVE 5000.51)

Legal Authority: EO 12637

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: This proposed rule establishes policy and assigns responsibility for implementation of the Total Quality Management concept in the Department of Defense. The concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

Timetable:

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30227
NPRM Comment Period End	08/18/89	54 FR 30227

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Doherty, Department of Defense, Office of the Secretary, **202 695-7915**

RIN: 0790–AB33

564. ● CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE (QA) RECORDS (DOD DIRECTIVE 6040.AA)

Legal Authority: 10 USC 1101; 5 USC 301

CFR Citation: 32 CFR 255a

Legal Deadline: None

Abstract: In 1987, Congress provided confidentiality for medical quality assurance documents in the DoD Authorization Act, recognizing that confidentiality is important to prevent public disclosure of facts and opinions that might cause harm to participants in the process of quality assurance activities. At the same time, allowance is made for disclosure of specified information when required for authorized quality monitoring, patient safety, or administrative functions. This proposed rule adheres closely to the specific provisions of the statute.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	54 FR 51766
NPRM Comment Period End	01/17/90	54 FR 51766

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: B. Ramsey, Department of Defense, Office of the Secretary, **202 695-6800**

RIN: 0790–AC06

565. ● HUMAN IMMUNODEFICIENCY VIRUS (HIV-1) (DOD DIRECTIVE 6485.AA)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 58a

Legal Deadline: None

Abstract: This proposed rule establishes the policy promulgated by

the August 8, 1988 Deputy Secretary of Defense memorandum on HIV-1/ AIDS. It denies eligibility for appointment or enlistment for military service to individuals with serologic evidence of HIV-1 infection; requires periodic screening of active duty and Reserve component military personnel for evidence of HIV-1 infection; refers active duty personnel with serologic evidence of HIV-1 infection for a medical evaluation of fitness for continued service in the same manner as personnel with other progressive illnesses; and denies eligibility for extended active duty (duty for a period of more than 30 days) to those Reserve component members with serologic evidence of HIV-1 infection.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50243
NPRM Comment Period End	01/04/90	54 FR 50243
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M Peterson, Department of Defense, Office of the Secretary, **202 695-7116**

RIN: 0790–AC49

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Final Rule Stage

566. COMMERCE PATENT REGULATIONS, PL 98-620 (DAR CASE 85-056D)

Significance: Agency Priority

Legal Authority: PL 98-620, Sec 501

CFR Citation: 48 CFR 227; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement the provisions of PL 98-620, Sec 501, which provides that the contractor's system of records maintenance of Government Property is at least the same as its own.

Timetable:

Action	Date	FR Cite
Case Opened	03/18/87	
NPRM	03/22/89	54 FR 11764
NPRM Comment Period End	05/22/89	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB38

567. CLAIMS, EQUITABLE ADJUSTMENT (DAR CASE 87-128D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to allow contracting officers to require contractors to separately account for changed work on construction contracts if changed work exceeds $100,000.

Timetable:

Action	Date	FR Cite
Case Opened	11/24/87	
NPRM	12/06/88	53 FR 49212
NPRM Comment Period End	01/05/89	53 FR 49212
Final Action	06/30/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB46

568. TECHNICAL DATA, SEC. 808, 1988 AUTHORIZATION ACT (DAR CASE 87-303)

Significance: Agency Priority

Legal Authority: PL 100-180, Sec 808

CFR Citation: 48 CFR 227; 48 CFR 252

Legal Deadline: Final, Statutory, April 2, 1988.

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-180, Sec 808 which provides that DOD assure the right of the contractor or subcontractor to receive, from a third party, a fee or royalty for use of their technical data.

Timetable:

Action	Date	FR Cite
Case Opened	12/02/87	
Interim Final Rule	10/28/88	53 FR 43698
Final Action	09/30/90	
Final Action Effective	09/30/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB48

DOD—OS

Final Rule Stage

569. DRUG-FREE WORKFORCE (DAR CASE 88-083)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a requirement of the Secretary of Defense to provide for use of a clause concerning use of illegal drugs in those acquisitions involving access to classified information or where the contracting officer determines that such a clause is necessary in the interest of National Defense.

Timetable:

Action	Date	FR Cite
Case Opened	06/14/88	
Interim Final Rule	09/28/88	53 FR 37764
Final Action	06/30/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB58

570. COMPETITIVE THRESHOLD, PL 100-656, SEC 303(B)8(A) (DAR CASE 88-325D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 303

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-656, Sec 303, which establishes a requirement to compete 8(a) contracts at certain levels.

Timetable:

Action	Date	FR Cite
Case Opened	04/27/89	
NPRM	07/18/89	54 FR 30101
Final Action	04/15/90	
Final Action Effective	04/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB74

571. FALSE REPRESENTATION-SMALL BUSINESS, PL 100-656, SEC 405 (DAR CASE 88-331D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 405

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-656, Sec 405, which establishes penalties on business entities that provide false representation as a small business or a small disadvantaged business concern.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB76

572. THRESHOLD, PRICE REASONABLENESS (DAR CASE 88-400D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 213

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to change the threshold in DFARS 213.106 to 10% of the Small Purchase limitation as a result of a study on thresholds by Logistics Management Institute.

Timetable:

Action	Date	FR Cite
Case Opened	03/09/88	
NPRM	05/16/88	53 FR 17232
NPRM Comment Period End	06/15/88	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB82

573. SMALL DISADVANTAGED BUSINESS; HISTORICALLY BLACK COLLEGES AND UNIVERSITIES - 5 PERCENT GOAL - PL 100-180, SEC 806 (DAR CASE 89-023A)

Significance: Agency Priority

Legal Authority: PL 100-180, Sec 806

CFR Citation: 48 CFR 219; 48 CFR 226; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement the provisions of PL 100-180, Sec 806, which provides that DOD must show progress toward

providing the opportunity for participation of Small Disadvantaged businesses, Historically Black Colleges and Universities and Minority Institutions in DOD acquisitions.

Timetable:

Action	Date	FR Cite
Case Opened	05/09/89	
NPRM	05/23/89	54 FR 22337
NPRM Comment Period End	07/24/89	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB94

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574. WARRANTIES (DAR CASE 89-062)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to have warranty provisions specifically identify whether redesign is or is not an available remedy for correcting problems.

Timetable:

Action	Date	FR Cite
Case Opened	06/09/89	
NPRM	06/30/89	54 FR 27655
NPRM Comment Period End	08/31/89	
Final Action	06/30/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC00

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575. DATA, PRICING EXHIBITS (DAR CASE 88-120)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Air Force to clarify an inconsistency between 215.871(d) and 204.7105. When read together, these statements do not permit inclusion of the negotiated data price in the contract when the data is ordered as an exhibit on the DD Form 1423, Contract Data Requirements Lists.

Timetable:

Action	Date	FR Cite
Case Opened	09/14/88	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC09

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576. ● MASTER AGREEMENT FOR REPAIR AND ALTERATION OF VESSELS (DAR CASE 88-142)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 201

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to include a complete list of current clauses for repair and alteration of vessels. The present listing is not current.

Timetable:

Action	Date	FR Cite
Case Opened	11/22/88	
NPRM	11/08/89	54 FR 46953
NPRM Comment Period End	01/05/90	
Final Action	06/30/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, **202 697-7266**

RIN: 0790–AC12

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577. ● ALTERNATE DISPUTES PROVISIONS-NEW PROCEDURE (DAR CASE 89-104)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Office of the Secretary of Defense to allow for the use of Alternate Disputes procedures.

Timetable:

Action	Date	FR Cite
Case Opened	09/27/89	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

DOD—OS

Final Rule Stage

is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Washington DC 20301-3062, 202 697-7266

RIN: 0790–AC23

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

578. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PL 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R [32 CFR 199) to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Withdrawn This part is in limbo pending legal actions.	02/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Shahiq, Department of Defense, Office of the Secretary, 303 361-3587

RIN: 0790–AA71

579. COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; EO 12615; PL 93-400

CFR Citation: 32 CFR 169a

Legal Deadline: None

Abstract: This part proposes to establish procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD personnel in house or by contract with commercial sources.

Timetable:

Action	Date	FR Cite
NPRM	04/16/89	54 FR 15442
NPRM Comment Period End	07/17/89	54 FR 15442
Withdrawn Duplicate of RIN 0790-AA48	02/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Miglionico, Department of Defense, Office of the Secretary, 202 325-0537

RIN: 0790–AA73

580. EQUAL OPPORTUNITY IN OFF-BASE HOUSING (DOD DIRECTIVE 1100.16)

Legal Authority: 42 USC 3601

CFR Citation: 32 CFR 301

Legal Deadline: None

Abstract: This document revises 32 CFR Part 301 to reflect revisions covering off-base housing enforcement. It also deletes the requirement for each Military Department to submit semiannual housing discrimination reports to the Assistant Secretary of Defense (Force Management and Personnel). This part now requires the Military Department to maintain all completed housing discrimination cases and emphasizes liaison with other government (local, State, and Federal) agencies.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7566
NPRM Comment Period End	03/24/89	54 FR 7566
Final Action Effective	08/14/89	55 FR 6248
Final Action	02/22/90	55 FR 6248

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: D Jecezala, Department of Defense, Office of the Secretary, 202 697-6381

RIN: 0790–AB30

581. MILITARY WHISTLEBLOWER PROTECTION (DOD DIRECTIVE 7050.6)

Legal Authority: 10 USC 1034

CFR Citation: 32 CFR 98a

Legal Deadline: None

Abstract: This part provides and implements the military whistleblower protection provisions contained in Public Law 100-456. It applies to all DoD Components and personnel and establishes responsibilities, authorities, and operating procedures to ensure that military members of the Armed Forces are protected from reprisal for making lawful communication with a member of Congress or an Inspector General in which the member makes a complaint or discloses information that the member reasonably believes evidence of a violation of law or regulation; mismanagement, a gross waste of funds, and abuse of authority, or a substantial and specific danger to public safety.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18547
NPRM Comment Period End	05/31/89	54 FR 18547
Final Action Effective	11/20/89	55 FR 4999
Final Action	02/13/90	55 FR 4999

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: M. Campbell, Department of Defense, Office of the Secretary, 202 697-2884

RIN: 0790–AB31

562. ● DEPARTMENT OF DEFENSE MILITARY EQUAL OPPORTUNITY PROGRAM (DOD DIRECTIVE 1350.2)

Legal Authority: PL 92-261; 5 USC 301; 10 USC 133

CFR Citation: 32 CFR 51

Legal Deadline: None

Abstract: This final rule establishes policy, procedures, and guidance for Equal Opportunity (EO) Programs within the Department of Defense. The operations and support of the Defense Equal Opportunity Management Institute (DEOMI), to include facilities and staffing, are provided for by this part.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/23/88	54 FR 46227
Final Action	11/02/89	54 FR 46227

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: D. Jeczala, Department of Defense, Office of the Secretary, **202 697-6381**

RIN: 0790–AC05

583. ● ACTIVE DUTY SERVICE DETERMINATION FOR CIVILIAN OR CONTRACTUAL GROUPS (DOD DIRECTIVE 1000.20)

Legal Authority: 38 USC 106 note

CFR Citation: 32 CFR 47

Legal Deadline: None

Abstract: This final rule implements P.L. 95-202 and establishes DoD policy and procedures to determine whether the civilian employment or contractual services of a civilian or contractual group shall be considered active military service for the purpose of laws administered by the Veterans Administration.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/11/89	54 FR 39991
Final Action	09/29/89	54 FR 39991

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: K Deutsch, Department of Defense, Office of the Secretary, **202 697-7197**

RIN: 0790–AC50

584. ● DISPOSITION OF PROCEEDS FROM DOD SALES OF SURPLUS PERSONAL PROPERTY (DOD INSTRUCTION 7310.1)

Legal Authority: 40 USC 484; 40 USC 485; 10 USC 2577

CFR Citation: 32 CFR 172

Legal Deadline: None

Abstract: This final rule expanded instruction on the collection and disposition of payments received in connection with DoD sales of surplus property and Administrative Service Act of 1949. The part includes new guidance on term bids, use of credit cards, and expedited return of negotiable instruments to losing bidders. It also contains expanded guidance on the form of payment required in support of bids and final settlement.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/10/89	54 FR 35483
Final Action	08/28/89	54 FR 35483

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M Melburn, Department of Defense, Office of the Secretary, **202 697-3135**

RIN: 0790–AC51

585. ● DOD COORDINATOR FOR DRUG ENFORCEMENT POLICY AND SUPPORT (DOD DIRECTIVE 5149.1)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 396

Legal Deadline: None

Abstract: Under the provisions of Title 10, United States Code, the DoD Coordinator for Drug Enforcement Policy and Support is established as a separate organization within the Office of the Secretary of Defense. The DoD Drug Coordinator acts as the principal staff assistant and advisor to the Secretary of Defense for drug control policy, requirements, priorities, systems, resources, and programs.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/26/90	55 FR 5006
Final Action	02/13/90	55 FR 5006

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R Kennedy, Department of Defense, Office of the Secretary, **202 697-0709**

RIN: 0790–AC52

586. REVIEW OF SUBCONTRACTOR'S PROPOSED CONTRACT COSTS (DAR CASE 84-096D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the DoD FAR Supplement to implement a suggestion from the Defense Logistics Agency to permit the contracting officer to become more active in the subcontracting pricing process.

Timetable:

Action	Date	FR Cite
Case Opened	01/18/88	
NPRM	05/26/88	53 FR 19009
NPRM Comment Period End	07/25/88	
Final Action	07/26/89	54 FR 31035
Final Action Effective	07/26/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB36

587. CARGO PREFERENCE ACT (DAR CASE 88-047)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 247; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to provide DOD components additional guidance and administrative procedures designed to strengthen contractor and lower tier subcontractor compliance with the requirements of the Cargo Preference Act of 1904.

Timetable:

Action	Date	FR Cite
Case Opened	04/11/88	
Interim Final Rule	04/21/89	54 FR 16111
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB53

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588. INTERMEDIATE-RANGE NUCLEAR FORCE REDUCTION TREATY (DAR CASE 88-054)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 209; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement direction from the Office of the Secretary of Defense to assure that Defense contractors are not improperly denied contracts because of Soviet inspectors at contractor plants.

Timetable:

Action	Date	FR Cite
Case Opened	04/20/88	
Interim Final Rule	06/06/88	53 FR 20631
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB55

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589. SPACE DEFENSE INITIATIVE ORGANIZATION - RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION (GLENN AMENDMENT), PL 100-180, SEC 222, (DAR CASE 88-119)

Significance: Agency Priority

Legal Authority: PL 100-180, Sec 222

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the requirements of PL 100-180, Sec 222, which provides that DOD funds are not to be used on any contract with a foreign government or a foreign firm for Research, Development, Test and Evaluation unless the work cannot be done by a U.S. firm at a price equal to or less than the price of the foreign firm.

Timetable:

Action	Date	FR Cite
Case Opened	09/14/88	
Interim Final Rule	04/21/89	54 FR 16111
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB62

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590. FOREIGN SELLING COSTS, SEC 826, 1989 AUTHORIZATION ACT (DAR CASE 88-300D)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 826

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, December 28, 1988.

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-456, Sec 826 which permits the allowability of costs to promote the export of products of the United States defense industry.

Timetable:

Action	Date	FR Cite
Case Opened	10/06/88	
Interim Final Rule	12/22/88	53 FR 51557
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB66

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591. FALSE REPRESENTATION-SMALL BUSINESS, PL 100-656, SEC 405 (DAR CASE 88-331)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 405

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Federal Acquisition Regulation to comply with the provisions of PL 100-656, Sec 405, which directs DOD to establish

penalties on business entities that provide false representation as a small business or a small disadvantaged business concern.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Final Action	12/31/89	
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

This pertains to FAR coverage and will be reported by the FAR Secretariat.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB75

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592. CONTRACT AIR FARES, SEC 833, PL 100-456 (DAR CASE 88-336)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 833

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, June 2, 1989.

Abstract: Modify the Federal Acquisition Regulation to comply with the requirements of PL 100-456, Sec 833, which directs the development of a cost principle concerning the allowability of air fare rates that exceed the General Services Administration negotiated fares.

Timetable:

Action	Date	FR Cite
Case Opened	03/14/89	
Final Action	10/06/89	
Final Action Effective	10/06/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

This pertains to FAR coverage and will be reported by the FAR Secretariat.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB79

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593. RURAL AREA BUSINESS DEVELOPMENT, SEC 129, PL 100-590 (DAR CASE 88-341)

Legal Authority: PL 100-590, Sec 129

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to comply with the provisions of PL 100-590, Sec 129, which permits the development of rural area enterprise development plans.

Timetable:

Action	Date	FR Cite
Case Opened	05/24/89	
Final Action	08/17/89	
Final Action Effective	08/17/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Case was closed on August 17, 1989 as no coverage was needed. No rule was issued.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB80

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594. INDIAN OWNED ENTERPRISE, ADDITIONAL 5 PERCENT (DAR CASE 88-342)

Significance: Agency Priority

Legal Authority: PL 100-442, Sec 7

CFR Citation: None

Legal Deadline: Final, Statutory, September 22, 1989.

Abstract: Modify the DOD FAR Supplement to implement the provisions of PL 100-442, Sec 7, which provides for additional compensation of up to 5% if a subcontractor or supplier is an Indian or Indian owned organization.

Timetable:

Action	Date	FR Cite
Case Opened	06/13/89	
Final Action	10/26/89	
Final Action Effective	10/26/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

This case was closed on October 26, 1989. No coverage was deemed necessary.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB81

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595. COMPUTER-AIDED ACQUISITION AND LOGISTICS SUPPORT (CALS) (DAR CASE 89-061)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a direction from the Deputy Secretary of Defense to require plans for new weapons systems and related major equipment items to include the use of Computer Aided Acquisition and Logistics Support standards to achieve productivity and quality improvements.

Timetable:

Action	Date	FR Cite
Case Opened	06/06/89	
Final Action	07/26/89	54 FR 31035
Final Action Effective	07/26/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB99

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596. SUPPORT AND PRIVILEGES FOR CONTRACTOR PERSONNEL IN EUROPE (DAR CASE 89-069)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Department of the Army to provide updated information on logistics support and privileges for DOD contractor personnel and family members.

Timetable:

Action	Date	FR Cite
Case Opened	06/26/89	
Final Action	07/26/89	54 FR 31035
Final Action Effective	07/26/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC01

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597. ACQUISITION PLANS/JUSTIFICATION AND ACCEPTANCE; SUPPORTING DOCUMENTATION (DAR CASE 89-072)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary of Defense to delete or eliminate duplicate justifications on acquisition plans.

Timetable:

Action	Date	FR Cite
Case Opened	07/07/89	
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC02

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598. THRESHOLD, PART 5 (DAR CASE 89-403D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 205

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to change the dollar thresholds in DFARS Part 205 as a result of a study on thresholds by Logistics Management Institute.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC03

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599. CONTRACTOR PROCUREMENT SYSTEM REVIEWS; REDUCTION OF SEPARATE REVIEWS (DAR CASE 89-434)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 244

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion from the Office of the Secretary Defense to assure that all reviews of contractor purchasing systems are conducted by the Administrative Contracting Officer.

Timetable:

Action	Date	FR Cite
Case Opened	04/11/89	
Final Action	12/29/89	54 FR 53612
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC04

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600. ● SHORT FORM RESEARCH AND DEVELOPMENT CLAUSES FOR CONTRACTS UNDER $25,000 (DAR CASE 89-027)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 252

Legal Deadline: None

Abstract: Modify the DOD FAR Supplement to implement a suggestion by the Office of the Secretary of Defense to identify, prior to and at the time of contract award, clauses needed for a contract under $25,000 for Research and Development.

DOD—OS

Completed Actions

Timetable:

Action	Date	FR Cite
Case Opened	03/14/89	
Case closed Case opened in error. Case closed on	03/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC14

601. ● DISPOSAL OF HAZARDOUS GOVERNMENT PROPERTY (DAR CASE 89-065)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 252

Legal Deadline: None

Abstract: Modify the Federal Acquisition Regulation to revise the clauses in Part 52 to prevent contracting officers from abandoning hazardous Government-owned property to the holding contractor.

Timetable:

Action	Date	FR Cite
Case Opened	06/20/89	
Case was opened in error. Case closed on	06/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Room 3D139, Pentagon, Washington, DC 20301-3062, 202 697-7266

RIN: 0790–AC17

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

602. THE ARMY GENERAL COUNSEL'S HONORS PROGRAM

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702–AA00

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Proposed Rule Stage

603. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Prescribes responsibilities and procedures with regard to use of U.S. Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702–AA02

604. REGULATIONS AFFECTING MILITARY RESERVATIONS: PROHIBITED ACTIVITIES AT FORT BRAGG, NC

Legal Authority: 10 USC 3012

CFR Citation: 32 CFR 552

Legal Deadline: None

Abstract: This regulation establishes the criteria for enforcement of certain State laws and installation rules pertaining to driving offenses and

hunting and fishing privileges on the Fort Bragg installation. This regulation provides guidance on motor vehicle offenses and the requirements to obtain hunting and fishing privileges for anyone (military or civilian) employed on, visiting, or traveling through the above reservation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John O. Roach, Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, HQDA, ADQZ-PGR, Alexandria, VA 22331-0302, 703 325-6297

RIN: 0702–AA17

605. ● AR 27-40 LITIGATION

Legal Authority: 31 USC 71; 42 USC 2651 to 2653

CFR Citation: 32 CFR 516

Legal Deadline: None

Abstract: This is a total revision of 32 CFR Part 516 which will bring it in line with changes promulgated in Army Regulation 27-40, Litigation. This regulation prescribes policy and procedures for the representation of the Department of the Army and its personnel in civilian court proceedings; litigation under the Federal Claims Collection Act, 31 USC 71, the Federal Medical Care Recovery Act, 42 USC 2651 to 2653, and other authorities; prosecution of offenses committed on military installations; and the release of information and appearance of witnesses in criminal and civil court actions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Kenneth L. Denton, Alternate Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PGR, Alexandria, VA 22331-0302, 202 325-6297

RIN: 0702–AA21

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

606. ● AR 27-20 CLAIMS ON BEHALF OF THE UNITED STATES

Legal Authority: 10 USC 3012; 42 USC 2651 to 2653

CFR Citation: 32 CFR 537

Legal Deadline: None

Abstract: This is a change of the Army regulatory provisions controlling the processing and settlement of administrative claims filed in behalf of the Army. This change will inform third parties of the procedures controlling the processing and settlement of these administrative claims by the Army.

Timetable:

Action	Date	FR Cite
NPRM	10/27/89	54 FR 43914
NPRM Comment Period End	11/27/89	54 FR 43914
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Kenneth L. Denton, Alternate Army Liaison Officer With the Federal Register, Department of Defense, Department of the Army, Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PGR, Alexandria, VA 22331-0302, 202 325-6297

RIN: 0702–AA19

607. ● AR 27-20 CLAIMS AGAINST THE UNITED STATES

Legal Authority: 10 USC 939; 10 USC 2733; 10 USC 2734; 10 USC 2736; 10 USC 2737; 10 USC 3012; 10 USC 4801 to 4804; 10 USC 4806; 28 USC 1346; 28 USC 2401; 28 USC 2407; 28 USC 2671; 32 USC 715

CFR Citation: 32 CFR 536

Legal Deadline: None

Abstract: This is a change of the Army regulatory provisions controlling the processing and settlement of administrative claims filed against the Army. This change will inform third parties of the procedures currently controlling the processing and settlement of these administrative claims by the Army.

Timetable:

Action	Date	FR Cite
NPRM	10/27/89	54 FR 43892
NPRM Comment Period End	11/27/89	54 FR 43892
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Kenneth L. Denton, Alternate Army Liaison Officer With the Federal Register, Department of Defense, Department of the Army, Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PGR, Alexandria, VA 22331-0302, 202 325-6297

RIN: 0702–AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

608. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D—ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, App D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Zell Steever, Chief, Technical Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1780

RIN: 0710–AA17

609. NATIONWIDE PERMIT PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	
Final Action	05/00/91	
Final Action Effective	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Regulations Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA20

610. PART 325, PROCESSING DEPARTMENT OF THE ARMY PERMITS

Significance: Agency Priority

Legal Authority: 33 USC 401 et seq; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325.1(f)

Legal Deadline: None

Abstract: This regulation will provide for an increase in the fees charged by the Corps of Engineers for Department of the Army permits issued pursuant to section 10 of the River and Harbor Act of 1899, section 404 of the Clean Water Act, and section 103 of the Marine Protection Research and Sanctuaries Act. This action is being taken after an evaluation of the current fee structure by the Department of Defense Inspector General determined that the fee amounts had not been changed for a significant time. The regulation change will also restructure the fees from "permit fees" to nonrefundable application fees.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $1,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA23

611. PART 326, ENFORCEMENT; CLASS II ADMINISTRATIVE PENALTIES

Significance: Agency Priority

Legal Authority: 33 USC 1319(g)

CFR Citation: 33 CFR 326.7

Legal Deadline: None

Abstract: The regulation provides the procedures for assessing Class II administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act. Clean Water Act Class II administrative penalties may not exceed $10,000 per day, and may not exceed a maximum of $125,000.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $3,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW.,

DOD—COE — Proposed Rule Stage

Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA25

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

612. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 401; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, App C

Legal Deadline: None

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Sam Collinson, Chief, Regulations Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

613. PART 326, ENFORCEMENT: CLASS I ADMINISTRATIVE PENALTIES

Significance: Agency Priority

Legal Authority: 33 USC 1319(g); 33 USC 2101

CFR Citation: 33 CFR 326.6

Legal Deadline: None

Abstract: The regulations provide the procedures for assessing Class I administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act and/or pursuant to the National Fishing Enhancement Act. Class I administrative penalties may not exceed $10,000 per violation, except that there is a maximum for Class I penalties under the Clean Water Act of $25,000; and penalties under the National Fishing Enhancement Act may not exceed $10,000.

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20608
NPRM Comment Period End	06/12/89	
Final Action	08/12/89	54 FR 50708
Final Action Effective	08/01/90	54 FR 50708

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $6,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA24

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

614. ● PROCEDURES FOR IMPLEMENTING THE PROCEDURAL PROVISIONS OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Legal Authority: 5 USC 301; 42 USC 4321 to 4361; 40 CFR 1500 to 1508

CFR Citation: 32 CFR 775

Legal Deadline: None

Abstract: To supplement Department of Defense (DoD) regulations by providing policy and assigning responsibilities to the Navy and Marine Corps for implementing the Council on Environmental Quality (CEQ) regulations implementing procedural provisions of the National Environmental Policy Act (NEPA).

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36818
NPRM Comment Period End	10/05/89	54 FR 36818

DOD—NAVY

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas J. Peeling, Office of the Deputy Chief of Naval Operations (Logistics), Department of Defense, Department of the Navy, 200 Stovall St., Room 10N67, Alexandria, VA 22332-2300, 202 325-7344

RIN: 0703–AA31

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

615. RELEASE OF OFFICIAL INFORMATION FOR LITIGATION

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 5013; 31 USC 9701; 32 CFR 97

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: This regulation establishes policy, assigns responsibilities, and prescribes procedures for responding to requests for the release of official DON information, including testimony by DON personnel as witnesses, in connection with actual or contemplated litigation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/89	54 FR 26189
Final Action	11/28/89	54 FR 48861
Final Action Effective	12/28/89	54 FR 48861

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: CDR R. F. Walsh, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, 202 325-9870

RIN: 0703–AA30

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

616. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Martens, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAR), Washington, DC 20330, 202 697-6701

RIN: 0701–AA18

617. AIR FORCE VISUAL INFORMATION SYSTEMS (AFR 700-32)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 811

Legal Deadline: None

Abstract: Establishes policy for the management of the Air Force visual information documentation program. Establishes policy on the release, dissemination and sale of Air Force visual information materials.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt. Col. Urben, Department of Defense, Department of the Air Force, HQ USAF/SCV, Washington, DC 20330, 202 695-9610

RIN: 0701–AA28

618. ● SCHEDULE OF FEES FOR COPYING, CERTIFYING, AND SEARCHING RECORDS AND OTHER DOCUMENTARY MATERIAL (AFR 12-32)

Legal Authority: 31 USC 9701

CFR Citation: 32 CFR 813

Legal Deadline: None

Abstract: Provides a schedule of fees for services related to copying, certifying, and searching records and other documentary material requested by the public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, 202 697-3491

RIN: 0701–AA29

619. ● AIR FORCE PRIVACY ACT PROGRAM (AFR 12-35)

Legal Authority: 5 USC 522a

CFR Citation: 32 CFR 806b

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing Privacy Act requirements for collecting, safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in Privacy Act systems of records.

DOD—AF **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, 202 697-3491

RIN: 0701–AA30

620. ● AIR FORCE FREEDOM OF INFORMATION ACT PROGRAM (AFR 12-30)

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 806

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing the Freedom of Information Act (FOIA) and explains how the public may get copies of Air Force records under the FOIA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, 202 697-3491

RIN: 0701–AA31

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

621. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 842

Legal Deadline: None

Abstract: Establishes standard policies and procedures to administratively process claims and tort litigation involving the Air Force.

Timetable:

Action	Date	FR Cite
Final Action	01/29/90	55 FR 2809
Final Action Effective	02/28/90	55 FR 2809

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Adams, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701–AA19

[FR Doc. 90-5939 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Office of the Secretary, Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulations as required by Office of Management and Budget (OMB) Bulletin No. 90-03, issued under the authority of section 6(b) of Executive Order 12291 "Federal Regulation." The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to Kenneth C. Depew, Acting Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Public Law 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 90-03, dated December 1, 1989, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.
- The effective date of regulations previously published by the Department for which action has been completed.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness, and to the extent possible, vesting greater discretion in State and local agencies; and (2) if necessary, to clarify and simplify requirements governing that program.

The Department will continue to review all regulations to be promulgated to ensure that they reflect the principles set forth in the joint statement issued by the President and the Nation's Governors developed during the course of the Education Summit held on September 27-28, 1989, in Charlottesville, Virginia. Particular attention will be given to increasing flexibility at the State and local levels in the use of Federal funds in return for greater accountability for increasing the levels of education and training under the Department's programs.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: February 20, 1990.

Edward C. Stringer,

General Counsel.

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
622	State-Administered Programs (Liquidation of Obligations)	1880-AA41

ED

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
623	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1880-AA38
624	Uniform Administrative Requirements for Grants and Cooperative Agreements	1880-AA34
625	Education Department General Administrative Regulations—Amendments II	1880-AA24
626	Technical Amendments to Program Regulations	1880-AA33
627	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1880-AA39

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
628	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
629	U.S. Exchange Visitor Program - Request for Waiver of the Two-Year Foreign Residence Requirement	1880-AA29
630	New Restrictions on Lobbying	1880-AA40

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
631	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
632	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs - Accessibility Standards	1870-AA09
633	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
634	Drug-Free Schools and Campuses	1810-AA54
635	Emergency Grants - Drug Program	1810-AA56
636	Training of Teachers, Counselors, and School Personnel - Drug Program	1810-AA55

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
637	Federal, State, and Local Partnership for Educational Improvement	1810-AA49

ED

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
638	Chapter 1 - Migrant Education Program	1810-AA48
639	Women's Educational Equity Act Program	1810-AA16

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
640	Protection of Human Subjects in Research	1875-AA07

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
641	Student Assistance General Provisions—Miscellaneous Amendments, Selective Service Registration Requirements	1840-AB19
642	Student Assistance General Provisions—Immigration Status Confirmation	1840-AB30
643	Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—(Miscellaneous Changes)	1840-AB22
644	Perkins Loan, College Work Study and Supplemental Educational Opportunity Grant Program—Penalty Charges	1840-AB31
645	Guaranteed Student Loan (GSL), PLUS/Supplemental Loans for Students/Consolidation Loan) Programs	1840-AA96
646	Guaranteed Student Loan (GSL), Stafford Loan/PLUS/ Supplemental Loans for Students/Consolidation Loan) Programs	1840-AB36
647	Pell Grant Program - Revision of Deadline for Submission of Reports	1840-AB34

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
648	Student Assistance General Provisions and Institutional Eligibility—Secretary's Accountability Initiative	1840-AB18
649	Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs—Targeted Teacher Deferments	1840-AB03
650	Student Assistance General Provisions - Verification	1840-AB07
651	Guaranteed Student Loan and PLUS Programs, Default Reduction Initiative	1840-AB32

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
652	Eligibility of Foreign Postsecondary Educational Institutions Under the Guaranteed Student Loan Program	1840-AB20
653	Student Assistance General Provisions	1840-AB37
654	Income Contingent Loan Program - Due Diligence	1840-AB04
655	Perkins Loan Program	1840-AB33

ED

Office of Special Education and Rehabilitative Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
656	The State Supported Employment Services Program	1820-AA86

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
657	Technology Related Assistance for Individuals with Disabilities: Demonstration and Innovation Projects of National Significance	1820-AA87
658	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
659	Rehabilitation Services Administration General Deregulation	1820-AA45
660	The State Independent Living Rehabilitation Services Program - Deregulation	1820-AA37
661	Centers for Independent Living - Standards and Evaluation Indicators	1820-AA81

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
662	Chapter 1 - State Operated or Supported Programs for Handicapped Children	1820-AA83

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
663	Training Personnel for the Education of the Handicapped—Grants to State Educational Agencies and Institutions of Higher Education	1820-AA85
664	Projects with Industry - Compliance Indicators	1820-AA82

Office of Vocational and Adult Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
665	Technology Education Demonstration Program	1830-AA07

Office of Intergovernmental and Interagency Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
666	Intergovernmental Review of Department of Education Programs and Activities—List of Programs	1860-AA00

ED

Office of the General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
667	Equal Access to Justice	1801-AA01

DEPARTMENT OF EDUCATION (ED)

Departmental Management (EDMAN)

Proposed Rule Stage

622. ● STATE-ADMINISTERED PROGRAMS (LIQUIDATION OF OBLIGATIONS)

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 3474

CFR Citation: 34 CFR 076

Legal Deadline: None

Abstract: These proposed regulations would provide flexibility to States in administering Federal grants by extending the time period for liquidation of certain kinds of obligations under State- administered programs of the Department.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Avenue, SW., Room 3636, ROB-3, Washington, DC 20202, 202 732-7400

RIN: 1880–AA41

DEPARTMENT OF EDUCATION (ED)

Departmental Management (EDMAN)

Final Rule Stage

623. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 105

Legal Deadline: None

Abstract: This regulation would specify the applicability of Sec. 504 of the Rehabilitation Act of 1973 to the federally conducted programs of the Department of Education. Sec. 504 prohibits discrimination on the basis of an individual's handicap.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	53 FR 10808
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kilpatrick, Equal Employment Opportunity Staff, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1167, FOB-6), Washington, DC 20202-4550, 202 732-3560

RIN: 1880–AA38

624. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: These regulations remove Part 80 and revise Part 74 to establish certain government-wide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. These regulations are based on an OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Cooperative Agreements with Institutions of Higher Education Hospitals and Other Nonprofit Organizations) into a single, unified grants management circular. The revised circular, for the first time, also applies these administrative requirements to commercial organizations that receive grants or cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW., Room 3636, ROB-3, Washington, DC 20202, 202 732-7400

RIN: 1880–AA34

625. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS—AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 075; 34 CFR 076; 34 CFR 077; 34 CFR 237; 34

CFR 263; 34 CFR 356; 34 CFR 562; 34 CFR 630; 34 CFR 653; 34 CFR 762

Legal Deadline: None

Abstract: See Preamble. The Department is proposing miscellaneous amendments to update and improve the regulations in 34 CFR Parts 74, 75, 76, and 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	54 FR 31580
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3636, ROB-3), Washington, DC 20202, **202 732-7400**

RIN: 1880–AA24

626. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 080

Legal Deadline: None

Abstract: On November 4, 1988, the Department published an NPRM proposing to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and non-profit and commercial organizations. The regulations appear in a revised 34 CFR Part 74. These amendments to program regulations specify the extent to which the revised Part 74 regulations apply to the programs of the Department. The regulations also specify statutorily required deviations to the revised Part 74 regulations.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW., Room 3636, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA33

627. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; 20 USC 1221e-3(a)(1); 20 USC 3474

CFR Citation: 34 CFR 085

Legal Deadline: None

Abstract: These regulations implement Governmentwide common provisions based on the Anti Drug-Abuse Act of 1988, enacted November 18, 1988. An interim final rule was published January 31, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4946
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mary Jane Kane, Management Analyst, Office of Management, Department of Education, Departmental Management, Grants and Contracts Service, 400 Maryland Ave. S.W. Room 3636, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA39

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

628. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

CFR Citation: 34 CFR 012

Completed:

Reason	Date	FR Cite
Withdrawn	02/05/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David B. Hakola 202 732-5500

RIN: 1880–AA27

629. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT

CFR Citation: 34 CFR 050

Completed:

Reason	Date	FR Cite
Withdrawn	02/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Tinsman 202 732-5430

RIN: 1880–AA29

630. ● NEW RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 1352

CFR Citation: 34 CFR 82

Legal Deadline: Final, Statutory, April 1990.

Abstract: These regulations implement provisions to prohibit recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan.

ED—EDMAN **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	02/26/90	55 FR 6736
Final Action Effective	04/27/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Avenue, SW (Rm. 3636, ROB-3), Washington, DC 20202, 202 732-7400

RIN: 1880–AA40

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Proposed Rule Stage

631. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW., Rm 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA06

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Final Rule Stage

632. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS - ACCESSIBILITY STANDARDS

Legal Authority: 29 USC 794; 29 USC 1405

CFR Citation: 34 CFR 104

Legal Deadline: None

Abstract: These amendments include a cross-reference to the Uniform Federal Accessibility Standards in federally assisted programs or activities.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment Period End	05/08/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave., SW., Room 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA09

633. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW., Room 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA05

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

634. ● DRUG-FREE SCHOOLS AND CAMPUSES

Legal Authority: PL 101-226

CFR Citation: 34 CFR 086

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Drug-Free Schools and Communities Act Amendments of 1989, PL 101-226.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

ED—OESE — Proposed Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen King, Director, Drug-Free Schools Staff, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2135, Washington, DC 20202, 202 732-4598

RIN: 1810–AA54

635. ● EMERGENCY GRANTS - DRUG PROGRAM

Legal Authority: PL 101-226

CFR Citation: 34 CFR 232

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Drug-Free Schools and Communities Act Amendments of 1989.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen King, Director, Drug-Free Schools Staff, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2135, Washington, DC 20202, 202 732-4598

RIN: 1810–AA56

636. ● TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL - DRUG PROGRAM

Legal Authority: PL 101-226

CFR Citation: 34 CFR 233

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Drug-Free Schools and Communities Act Amendments of 1989.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen King, Director, Drug-Free Schools Staff, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Room 2135, Washington, DC 20202, 202 732-4598

RIN: 1810–AA55

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Final Rule Stage

637. FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

Legal Authority: 20 USC 2911 to 2952; 20 USC 2971 to 2976

CFR Citation: 34 CFR 298; 34 CFR 76; 34 CFR 80

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	54 FR 8708
NPRM Comment Period End	05/01/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alicia C. Coro, Director, School Improvement Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW., Room 2040, Washington, DC 20202-6245, 202 732-4657

RIN: 1810–AA49

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

638. CHAPTER 1 - MIGRANT EDUCATION PROGRAM

CFR Citation: 34 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	10/23/89	54 FR 43220
Final Action Effective	12/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio 202 732-4758

RIN: 1810–AA48

639. WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Completed:

Reason	Date	FR Cite
Final Action	09/13/89	54 FR 37874
Final Action Effective	10/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alice T. Ford 202 732-4351

RIN: 1810–AA16

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Planning and Budget and Evaluation (OPBE)

640. PROTECTION OF HUMAN SUBJECTS IN RESEARCH

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 097

Legal Deadline: None

Abstract: These regulations implement procedures to protect human research subjects and implement a recommendation from the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The regulations set forth a common Federal policy for the protection of human subjects accepted by the Office of Science and Technology Policy in the Executive Office of the President.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Glassman, Evaluation Systems Expert, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW., (Room 3127-FOB-6), Washington, DC 20202, 202 732-3132

RIN: 1875–AA07

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Postsecondary Education (OPE)

641. STUDENT ASSISTANCE GENERAL PROVISIONS—MISCELLANEOUS AMENDMENTS, SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would amend the provisions related to selective service requirements, implement provisions of the Omnibus Budget Reconciliation Amendments Act of 1989, PL 101- 239, and make other miscellaneous changes in the student assistance general provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4318 - ROB-3, Washington, DC 20202, 202 732-4888

RIN: 1840–AB19

642. STUDENT ASSISTANCE GENERAL PROVISIONS—IMMIGRATION STATUS CONFIRMATION

Legal Authority: 20 USC 1091; 20 USC 1092; 20 USC 1094

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would establish rules by which an institution shall confirm the immigration status of certain alien applicants for student financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claude E. Denton, Student Verification Branch, Division, Policy and Program Development, Department of Education, Office of Postsecondary Education, (Rm. 4613, ROB-3), 400 Maryland Avenue, SW., Washington, DC 20202, 202 732-5591

RIN: 1840–AB30

643. PERKINS LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS—(MISCELLANEOUS CHANGES)

Legal Authority: 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These proposed regulations would further implement provisions of the Higher Education Amendments of 1986. The regulations would also establish procedures that would make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant Program with respect to collection of outstanding overpayments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough, Chief, Policy Section, Campus & State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4018 - ROB-3, Washington, DC 20202, 202 732-4490

RIN: 1840–AB22

644. PERKINS LOAN, COLLEGE WORK STUDY AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM—PENALTY CHARGES

Legal Authority: 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These final regulations are needed to make technical corrections to the campus based student financial assistance program regulations published on December 1, 1987. This technical amendment gives institutions

ED—OPE Proposed Rule Stage

the authority to capitalize the penalty charges that can be applied to the National Defense/ Direct Student or Perkins Loan borrowers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough, Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, S.W. Room 4018, ROB-3, Washington, DC 20202, 202 732-4490

RIN: 1840–AB31

645. GUARANTEED STUDENT LOAN (GSL), PLUS/SUPPLEMENTAL LOANS FOR STUDENTS/CONSOLIDATION LOAN) PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), and subsequent amendments, and policy changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., (Rm. 4310 ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840–AA96

646. ● GUARANTEED STUDENT LOAN (GSL), STAFFORD LOAN/PLUS/ SUPPLEMENTAL LOANS FOR STUDENTS/CONSOLIDATION LOAN) PROGRAMS

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239).

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela Moran, Chief, Policy Section, Guranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Washington, DC 20202, 202 732-4242

RIN: 1840–AB36

647. PELL GRANT PROGRAM - REVISION OF DEADLINE FOR SUBMISSION OF REPORTS

Legal Authority: 20 USC 1070a to 1070a-6

CFR Citation: 34 CFR 690

Legal Deadline: None

Abstract: These regulations would revise several terms in the current regulations and implement a statutory change resulting from the consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272).

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	10/10/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. S.W. Room 4318, ROB-3, Washington, DC 20202, 202 732-4888

RIN: 1840–AB34

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

648. STUDENT ASSISTANCE GENERAL PROVISIONS AND INSTITUTIONAL ELIGIBILITY—SECRETARY'S ACCOUNTABILITY INITIATIVE

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These regulations achieve better accountability in the student financial aid programs. Proposed amendments to Section 668.12 were published in this proposed rule on March 17, 1989; and have been published as separate final regulations on 11/3/89, 54 FR 46536. Effective date of these regulations (Section 668.12) is 12/23/89.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11354
NPRM Comment Period End	05/01/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John DeCleene, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4318, ROB-3, Washington, DC 20202, 202 732-4888

RIN: 1840–AB18

649. PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM AND GUARANTEED STUDENT LOAN AND PLUS PROGRAMS—TARGETED TEACHER DEFERMENTS

Legal Authority: 20 USC 1071 to 1087-2; 20 USC 1111 to 1111h

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Final Rule Stage

CFR Citation: 34 CFR 653; 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5066
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W. (Rm. 4310 - ROB-3), Washington, DC 20202, **202 732-4242**

RIN: 1840–AB03

650. STUDENT ASSISTANCE GENERAL PROVISIONS - VERIFICATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), the Tax Reform Act of 1986, the Compact of Free Association, and Higher Education Technical Amendments of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	54 FR 45994
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lorraine Kennedy, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., (Room 4613 - ROB-3), Washington, DC 20202, **202 732-5592**

RIN: 1840–AB07

651. GUARANTEED STUDENT LOAN AND PLUS PROGRAMS, DEFAULT REDUCTION INITIATIVE

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would establish several additional procedures that the Secretary would use to implement the Default Reduction Initiative.

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24128
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student, Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W. Room 4310, ROB-3, Washington, DC 20202, **202 732-4242**

RIN: 1840–AB32

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

652. ELIGIBILITY OF FOREIGN POSTSECONDARY EDUCATIONAL INSTITUTIONS UNDER THE GUARANTEED STUDENT LOAN PROGRAM

CFR Citation: 34 CFR 606

Completed:

Reason	Date	FR Cite
Withdrawn	01/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia Re 202 732-4906

RIN: 1840–AB20

653. ● STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement the changes resulting from the Omnibus Budget Reconciliation Amendments Act of 1989. (PL 101- 239).

Timetable:

Action	Date	FR Cite
Withdrawn document is now consolidated with RIN 1840-AB19.	02/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carney McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 4318, ROB-3, Washington, DC 20202, **202 732-4888**

RIN: 1840–AB37

654. INCOME CONTINGENT LOAN PROGRAM - DUE DILIGENCE

CFR Citation: 34 CFR 673

Completed:

Reason	Date	FR Cite
Final Action	11/06/89	54 FR 46692
Final Action Effective	12/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough **202 732-4490**

RIN: 1840–AB04

655. PERKINS LOAN PROGRAM

CFR Citation: 34 CFR 674

ED—OPE **Completed Actions**

Completed:

Reason	Date	FR Cite
Withdrawn	01/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough 202 732-4490

RIN: 1840–AB33

DEPARTMENT OF EDUCATION (ED) — Prerule Stage

Office of Special Education and Rehabilitative Services (OSERS)

656. THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Legal Authority: 29 USC 795j to 795q

CFR Citation: 34 CFR 363

Legal Deadline: None

Abstract: These regulations are needed to address grantee implementation problems resulting from non-statutory restrictions in current regulations.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/90	55 FR 5132
ANPRM Comment Period End	04/16/90	
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	
Final Action	02/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nell C. Carney, Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, **202 732-1282**

RIN: 1820–AA86

DEPARTMENT OF EDUCATION (ED) — Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

657. ● TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES: DEMONSTRATION AND INNOVATION PROJECTS OF NATIONAL SIGNIFICANCE

Legal Authority: 29 USC 2261

CFR Citation: 34 CFR 346

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, PL 100-407.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3060, Switzer Bldg., Washington, DC 20202, **202 732-1139**

RIN: 1820–AA87

658. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Nell C. Carney, Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202-1550, **202 732-1282**

RIN: 1820–AA47

659. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION

Legal Authority: 20 USC 107 et seq; 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Nell C. Carney, Commissioner, Rehabilitative Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028, Switzer Building, Washington, DC 20202, **202 732-1282**

RIN: 1820–AA45

660. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 796 to 796d

ED—OSERS **Proposed Rule Stage**

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	05/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Nell C. Carney, Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., (Rm. 3028, Switzer Building), Washington, DC 20202, 202 732-1282

RIN: 1820–AA37

661. CENTERS FOR INDEPENDENT LIVING - STANDARDS AND EVALUATION INDICATORS

Legal Authority: 20 USC 796e

CFR Citation: 34 CFR 366

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Nell C. Carney, Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3028 - Switzer Bldg., Washington, DC 20202-1550, 202 732-1282

RIN: 1820–AA81

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

662. CHAPTER 1 - STATE OPERATED OR SUPPORTED PROGRAMS FOR HANDICAPPED CHILDREN

Legal Authority: 20 USC 2791 to 2796

CFR Citation: 34 CFR 302

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42704
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhonda Weiss, Acting Chief, Programs Administration Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW., Room 3613, Switzer Bldg., Washington, DC 20202, 202 732-1376

RIN: 1820–AA83

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

663. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED—GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

CFR Citation: 34 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	01/03/90	55 FR 194
Final Action Effective	03/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Max W. Mueller 202 732-1154

RIN: 1820–AA85

664. PROJECTS WITH INDUSTRY - COMPLIANCE INDICATORS

CFR Citation: 34 CFR 379

Completed:

Reason	Date	FR Cite
Final Action	08/31/89	54 FR 36098
Final Action Effective	10/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nell C. Carney 202 732-1282

RIN: 1820–AA82

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Vocational and Adult Education (OVAE)

665. ● TECHNOLOGY EDUCATION DEMONSTRATION PROGRAM

Legal Authority: 20 USC 5101; 20 USC 5102; 20 USC 5103; 20 USC 5104; 20 USC 5105; 20 USC 5106

CFR Citation: 34 CFR 445

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Omnibus Trade and Competitiveness Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Jones, Program Analyst, Department of Education, Office of Vocational and Adult Education, 400 Maryland Avenue, SW., Room 4531, Switzer Building, Washington, DC 20202, **202 732-2470**

RIN: 1830–AA07

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

666. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES—LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: This regulatory action names those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10500
NPRM Comment Period End	06/12/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Roberts, Executive Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, (Room 3067 - FOB-6), Washington, DC 20202, **202 732-3668**

RIN: 1860–AA00

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of the General Counsel (EDOGC)

667. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jo-Ann Frey, General Attorney, Office of the General Counsel, Department of Education, Office of the General Counsel, 400 Maryland Ave., SW., Room 4122, Washington, DC 20202, **202 732-2690**

RIN: 1801–AA01

[FR Doc. 90-5940 Filed 04-20-90; 8:45 am]

BILLING CODE 4000-01-T

federal register

Monday
April 23, 1990

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1990 regulatory agenda.

SUMMARY: In order to make Government more responsive to the citizens of the United States and to assist in fulfilling the President's commitment to lessen regulatory burdens, the Department of Energy is publishing this regulatory agenda of rulemakings in progress and rulemakings which currently are expected to begin during the coming year. The agenda also includes any rules which are being reviewed within the Department to determine whether to propose modifications, as well as rulemakings and rule reviews which have been completed since the last regulatory agenda in October 1989. It also contains information on any rulemakings which are likely to have a significant economic impact on a substantial number of small entities, and it contains additional data on procurement-related actions.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, please contact: Peter A. Greenlee, Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, please contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Covered agencies publish regulatory agendas under Executive Order 12291 in April and October of each year. Under the Executive order, the Office of Management and Budget (OMB) sets standards and procedures for the preparation of these agendas. The April 1990 regulatory agenda has been prepared in accordance with OMB Bulletin No. 90-03.

There are important reasons for preparing the agenda. It is vital to efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. The Department has made considerable progress in these efforts.

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must cover any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities." Its information requirements are similar to those of the Executive order. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice.

The Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 402, require publication twice a year of a "Procurement Regulatory Activity Report." As determined by OMB, agency information is now in the Agenda for use by the Office of Federal Procurement Policy (OFPP) in producing these reports.

Entries appended to this notice reflect the status of activities as of approximately February 15, 1990. They are divided into categories first by subagency and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, or completed action.

Appended entries contain the following information: (1) The organizational unit responsible for the regulation; (2) RIN number (that is, the Regulation Indentifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program, prepared annually under Executive Order 12498, and if it does not, whether it is nevertheless a departmental priority); (5) the name, title, address, and telephone number of a person who is knowledgeable about the regulation; (6) effects on small business (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act) and effects on Federal, State, and local governments; (7) CFR citation (that is, portion of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL), or Executive order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates and citations, if applicable, for all past stages and, generally, the date for at least the next stage of the rulemaking). The timetable for completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding agenda) gives the completion date and the citation, if appropriate.

For each procurement-related regulatory action, additional information is provided in the Additional Information data element (Block A): (1) A statement that the action is procurement-related; (2) whether there is a statutory requirement for the action; and (3) whether there is a paperwork burden associated with the action.

A draft of this agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, under the requirements of 5 U.S.C. 602(b).

The Department's next agenda will be published in October 1990.

Issued in Washington, DC, on February 27, 1990.

Stephen A. Wakefield,

General Counsel.

DOE

Conservation and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
668	Energy Efficiency Standards for Water Heaters, Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges & Ovens, Room Air Conditioners, Fluorescent Lamp Ballasts, & TVs	1904-AA38

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
669	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
670	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings	1904-AA34
671	Test Procedures for Fluorescent Lamp Ballasts	1904-AA39
672	Equivalent Petroleum-Based Fuel Economy Calculation for Electric Vehicles	1904-AA40

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
673	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
674	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
675	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27
676	Energy Conservation Standards for Water Heaters; Technical Amendments	1904-AA36
677	Energy-Efficiency Standards for Dishwashers, Clothes Washers and Clothes Dryers	1904-AA37
678	Grants Appeals Procedures, SECP Weatherization Assistance, Grants for Schools and Hospitals and Buildings Owned by Units of Local Government, and the Energy Extension Service	1904-AA41

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
679	Energy-Efficiency Standards for Refrigerators and Related Products, and Small Gas Furnaces	1904-AA28
680	Energy-Efficiency Test Procedures for Refrigerator-Freezers and Freezers	1904-AA35

Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
681	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Q Access Authorization	1992-AA11

DOE

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
682	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA18
683	Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions	1901-AA19
684	Compliance with the National Environmental Policy Act	1901-AA20

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
685	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
686	Annotation of Land Records; Uranium Mill Tailing Remedial Action Program	1901-AA12
687	Model Federal Policy for Protection of Human Research Subjects	1901-AA13

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
688	Powerplant and Industrial Fuel Use Act of 1978; Revisions	1901-AA17

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
689	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
690	Department of Energy Property Management Regulations: Management of Motor Equipment	1991-AA28
691	Department of Energy Acquisition Regulation: Miscellaneous Changes on Acquisition of Motor Equipment	1991-AA32
692	Proposed Rule on DOE Contractor Drug-Free Workplace Policy	1991-AA39
693	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors	1991-AA44
694	Department of Energy Acquisition Regulation: Internal Controls Systems	1991-AA50
695	Department of Energy Acquisition Regulation: Price-Anderson Act	1991-AA52
696	Department of Energy Acquisition Regulation: Environmental, Safety, and Health Requirements	1991-AA53
697	DOE Contractor Alcohol-Free Workplace Program	1991-AA57
698	Department of Energy Acquisition Regulation; Miscellaneous Amendments - Updates	1991-AA59
699	Department of Energy Acquisition Regulation; Miscellaneous Amendments	1991-AA60
700	Collection of Claims Owed the United States	1991-AA62
701	Stevenson-Wydler Technology Transfer Program; DOE Management and Operating Contractor Laboratories	1991-AA63
702	Fixed Obligation Awards	1991-AA65
703	Publicizing Federal Support in Recipient Procurement Solicitations (Grants)	1991-AA66
704	Department of Energy Acquisition Regulation; Management and Operating Contractors and Facility Management Directives	1991-AA67
705	Criteria and Procedures for DOE Contractor Employee Protection Program	1991-AA68
706	Debarment and Suspension	1991-AA69
707	Revisions to Fee Schedules; Contracts	1991-AA70
708	Governmentwide Requirements for Drug-Free Workplace (Grants)	1991-AA71

DOE

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
709	Research Opportunity Announcements	1991-AA42
710	Uniform Administrative Requirements for Grants and Cooperative Agreements	1991-AA55
711	Department of Energy Acquisition Regulation; Offeror Representations and Certifications Procedures	1991-AA58
712	Restrictions on Lobbying (Nonprocurement)	1991-AA64
713	Department of Energy Acquisition Regulation Contractor Accountability	1991-AA72

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
714	Revised Policy on Objective Merit Review of Discretionary Financial Assistance Applications	1991-AA41
715	Referral of Debts to IRS for Tax Refund Offset	1991-AA54
716	Department of Energy Acquisition Regulation; Contract Clauses - Award Fee	1991-AA61

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
717	Amendments to Department of Energy Conduct of Employees Regulations	1990-AA00
718	Foreign Gifts and Decorations	1990-AA04
719	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Revision of Current Procedures	1990-AA13
720	Conduct of Employees; Cooperation with the Inspector General	1990-AA14
721	Payment of Travel Expenses of Persons Who Are Not Government Employees	1990-AA15
722	Procedures and Nuclear Safety Requirements for Assessment of Price-Anderson Penalties	1990-AA16

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
723	Patent Waiver Regulation	1990-AA02
724	Class Patent Waivers	1990-AA07
725	Indemnification of Department of Energy Officials and Employees	1990-AA11
726	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings	1990-AA12

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Conservation and Renewable Energy (CE)

668. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS, POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES & OVENS, ROOM AIR CONDITIONERS, FLUORESCENT LAMP BALLASTS, & TVS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.
EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-

DOE—CE

Prerule Stage

freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for water heaters; pool heaters; kitchen ranges and ovens; room air conditioners; direct heating equipment; mobile home furnaces; and fluorescent lamp ballasts to determine whether those levels need to be amended. In addition, television sets will be examined to determine whether conservation standards are justified.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	07/00/90	
NPRM	01/01/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: the extant standards in a period from 7/1/94 to 12/31/2006.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Building Equipment Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA38

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

669. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509; PL 100-615

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: Under the National Energy Conservation Policy Act, as amended, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The current rulemaking would update base year prices and energy cost escalation rates based on current average energy cost projections. It would also eliminate the need for Federal Register publication of future annual updates so long as there is no significant change in the method for making average energy cost projections. In addition, the Federal Energy Management Improvement Act of 1988 requires the Secretary of Energy to establish the discount rate for life cycle costing. The current rulemaking would include the methodology by which the discount rate will be established.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-6784

RIN: 1904–AA06

670. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart B develops voluntary standards for new non-Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9445

RIN: 1904–AA34

671. TEST PROCEDURES FOR FLUORESCENT LAMP BALLASTS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Establishment of test procedures for fluorescent lamp ballasts in accordance with National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100-357).

DOE—CE

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7719
NPRM Comment Period End	05/21/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Building Equipment Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA39

672. ● EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC VEHICLES

Legal Authority: PL 96-185, Sec 18; PL 94-413, Sec 13(c); PL 94-163, Sec 503(a)(3)

CFR Citation: 10 CFR 474

Legal Deadline: None

Abstract: The final rule on the inclusion of electric vehicles in the Corporate Average Fuel Economy (CAFE) program was issued by DOE on April 15, 1981. It established a methodology for determining the equivalent petroleum-based fuel economy of electric vehicles so that they could be included in a manufacturer's overall CAFE program. This methodology was based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. At this time, DOE is proposing updating the factors in this methodology that are necessary for calculating the CAFE credits for electric vehicles.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	12/00/90	
Final Action	03/00/91	
Final Action Effective	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth F. Barber, Acting Director, Electric and Hybrid Propulsion Division, Department of Energy, Conservation and Renewable Energy, CE-152, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2198

RIN: 1904–AA40

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Final Rule Stage

673. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart A develops standards for both Federal and non-Federal commercial buildings and multi-family high rise buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17051
NPRM Comment Period End	08/04/87	
Interim Final Rule	01/30/89	54 FR 4538
Interim Final Rule Effective Date	07/31/89	54 FR 4538
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 05/06/87 (52 FR 17051); Environmental Analysis 05/06/87 (52 FR 17051)

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9445

RIN: 1904–AA08

674. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department prepared a new NPRM published March 13, 1987. This NPRM proposed a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters, and extended the test procedures to cover instantaneous type water heaters. In addition to the A.O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and

Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM Test Procedures for Water Heaters	03/13/87	49 FR 7972
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Under a separate rulemaking (RIN: 1904-AA36), the Secretary will determine whether the test procedure amendment alters the measured water heater efficiency and, if so, will establish corrective technical amendments to the energy conservation standard.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA12

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675. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart C develops mandatory standards for new Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
NPRM Comment Period End	01/16/87	
Interim Final Rule	08/25/88	53 FR 32536
Proposed Modification of Interim Final Rule	08/25/88	53 FR 32547
Interim Final Rule Effective	02/21/89	53 FR 32536
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 08/20/86 (51 FR 29773); Environmental FONSI 08/20/86 (51 FR 29773)

Additional Information: On 08/25/88, the Department proposed to modify the interim final rule in three respects (53 FR 32547). To the computerized building design program (COSTSAFR) would be added: (1) credit for three mass-wall configurations; (2) new energy data on window glazings; and (3) a mathematical process for integrating innovative design options into the analysis.

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9445

RIN: 1904–AA27

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676. ENERGY CONSERVATION STANDARDS FOR WATER HEATERS; TECHNICAL AMENDMENTS

Legal Authority: 42 USC 6292

CFR Citation: 10 CFR 430.32

Legal Deadline: None

Abstract: This action would be a technical amendment, based on water heater test procedure changes in progress (see 1904-AA12), of the statutory standard for water heaters contained in the National Appliance Energy Conservation Act of 1987 (NAECA), as amended. This amendment could change the way the standard level is measured, but would not change the level of the minimum energy conservation standard itself. NAECA requires amendment of the applicable standard if the Secretary determines that an amended test procedure will alter the measured efficiency of the standard. This technical amendment of the standard is to be completed concurrently with the rulemaking with respect to the amended test procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1890
NPRM Comment Period End	03/20/89	54 FR 1890
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA36

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677. ENERGY-EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS AND CLOTHES DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. EPCA establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners

and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standards for dishwashers, clothes washers and clothes dryers to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	05/18/88	53 FR 17712
ANPRM Comment Period End	07/18/88	53 FR 17712
NPRM	08/09/89	54 FR 32744
NPRM Comment Period End	10/10/89	54 FR 32744
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. The NAECA requires a final determination on these three products by 01/01/90.

Comments on the Proposed Rule necessitate more extensive reanalysis than was expected. The Final Rule should be published in the Federal Register by 7/00/90.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA37

678. ● GRANTS APPEALS PROCEDURES, SECP WEATHERIZATION ASSISTANCE, GRANTS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT, AND THE ENERGY EXTENSION SERVICE

Legal Authority: 42 USC 6861, et seq; 42 USC 6321, et seq; 42 USC 6371, et seq; 42 USC 7001, et seq

CFR Citation: 10 CFR 420; 10 CFR 440; 10 CFR 455; 10 CFR 465

Legal Deadline: None

Abstract: In this rule, the Department of Energy establishes clear and consistent administrative review procedures focusing on pre-award denials of grants under the State Energy Conservation Program, the Weatherization Assistance Program for Low-Income Persons, the Grants Program for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions, and the Energy Extension Service Program. The amendments would also conform existing post-award administrative review procedures to generally applicable administrative procedures for the Department of Energy's financial assistance programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/90	55 FR 3000
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert K. Volk, Jr., Staff Director, Office of State and Local Assistance Program, Department of Energy, Conservation and Renewable Energy, CE-20, Room 6A-055, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-2300

RIN: 1904–AA41

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Completed Actions

679. ENERGY-EFFICIENCY STANDARDS FOR REFRIGERATORS AND RELATED PRODUCTS, AND SMALL GAS FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. EPCA requires DOE determinations to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. EPCA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking amended the statutory standard levels for refrigerators, refrigerator-freezers, and freezers effective 1/1/93. For small gas furnaces, it is still an initial standard, effective 1/1/92.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/87	52 FR 46367
ANPRM Comment Period End	02/05/88	52 FR 46367
NPRM	12/02/88	53 FR 48798
NPRM Comment Period End	01/31/89	53 FR 48798
Final Action	11/17/89	54 FR 47916
Final Action Effective	01/01/92	54 FR 47916

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis, FONSI Energy Conservation Standards 12/02/88 (53 FR 48826)

Additional Information: LEGAL DEADLINE CONT: standards in a period from 7/1/94 to 12/31/2006. Statutory deadlines for this rulemaking:

DOE—CE

Completed Actions

proposal on standards for refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89), the earliest NAECA deadline for a final action.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA28

680. ENERGY-EFFICIENCY TEST PROCEDURES FOR REFRIGERATOR-FREEZERS AND FREEZERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: DOE has proposed to amend existing test procedures for refrigerator-freezers and freezers to alleviate the requirement for waivers for units equipped with variable defrost controls. The proposal also addresses refrigerator-freezers equipped with two compressors. The proposed amendments would eliminate the need for the test procedure waivers granted Whirlpool and White Consolidated Industries, Inc., for their variable defrost control refrigerator-freezers.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37416
NPRM Comment Period End	11/25/88	
Final Action	08/31/89	54 FR 36238
Final Action Effective	02/27/90	54 FR 36238

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA35

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Final Rule Stage

681. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; Q ACCESS AUTHORIZATION

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec 161; 10 CFR 710

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: The protection of certain of the Department's security interests, with the potential, if misused, of causing unacceptable damage to the national security, requires the implementation of a program designed to assure that individuals occupying positions affording access to certain material, facilities, and programs meet the highest standards of reliability. This action would establish a Q(R) access authorization for individuals applying for or currently holding a position identified as a Personnel Security Assurance Program (PSAP) position. The security clearance determination would, through a system of continuous evaluation, identify those individuals whose judgment may be impaired by physical and/or emotional disorders, the use of controlled substances, or the use of alcohol habitually to excess.

Timetable:

Action	Date	FR Cite
NPRM	02/02/89	54 FR 5376
NPRM Comment Period End	03/06/89	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Hershkowitz, Chief, Assurance and Analysis Br., Personnel Security Assurance Program, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-344.3, Washington, DC 20585, 301 353-5671

RIN: 1992–AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

682. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961 (Revision)

Legal Deadline: None

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste (48 FR 16590). On March 17, 1989, the U.S. Court of Appeals for the District of Columbia (Consolidated Edison Co. et al. v. DOE, No. 88-1194) ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on nuclear electricity actually sold rather than net generation of electricity as adopted in the amended final rule of September 17, 1987 (52 FR 35356). This notice publishes for comment amendments to Article I.13, Article VIII.A.1 and B.1, and Appendix G of the standard disposal contract to be consistent with the court's ruling. This amendment is expected to reduce revenues from the ongoing fee about seven percent.

DOE—ENDEP **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Utility Contracts Manager, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste Mgmt., 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4973

RIN: 1901–AA18

683. ● ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS

Legal Authority: PL 95-91; PL 66-280; EO 12038

CFR Citation: 10 CFR 205

Legal Deadline: None

Abstract: These regulations will establish Procedural Regulations, clarify and update filing requirements, and confirm evaluation criteria for granting electricity export authorizations and issuing Presidential Permits for the construction of International Electric Transmission Lines.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	08/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen Russell, Fuels Conversion Analyst, Department of Energy, Departmental and Others, Room 3F-094, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9624

RIN: 1901–AA19

684. ● COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; EO 11991; EO 11514

CFR Citation: 40 CFR 1500 to 1508; 10 CFR 1021

Legal Deadline: None

Abstract: The proposed regulations will provide procedures for agency compliance with the National Environmental Policy Act (NEPA). The proposed regulations supplement the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, which applies to all Federal agencies. In accordance with 40 CFR 1507.3, DOE will consult with CEQ in developing the proposed regulations. The proposed regulations will be applicable to all organizational units of DOE except the Federal Energy Regulatory Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol M. Borgstrom, Director, Office of NEPA Project Assistance, Department of Energy, Departmental and Others, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-4600

RIN: 1901–AA20

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP) **Final Rule Stage**

685. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre- and post-award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23219
NPRM Comment Period End	06/30/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division (ER-64), Department of Energy, Departmental and Others, Office of Energy Research, Washington, DC 20545, 301 353-5544

RIN: 1901–AA07

686. ANNOTATION OF LAND RECORDS; URANIUM MILL TAILING REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29732
NPRM Comment Period End	08/28/89	54 FR 29732
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sally A. Mann, Director, Off-Site Remediation (EM-451), Office of Environmental Restoration, Department of Energy, Departmental

DOE—ENDEP **Final Rule Stage**

and Others, Washington, DC 20545, **301 353-6436**

RIN: 1901–AA12

687. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	53 FR 45661
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: **Susan L. Rose**, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, **301 353-4731**

RIN: 1901–AA13

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

688. POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 8301 et seq; PL 100-42; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 500; 10 CFR 501; 10 CFR 503; 10 CFR 504

Legal Deadline: None

Abstract: Legislative changes and economic conditions have made it necessary to modify the regulatory language to comport with congressional intent of the amended Fuel Use Act. Specifically, it is proposed to remove all language that relates to industrial facilities. The fuel price calculations and inflation indices used in the cost test calculations supporting exemptions based on a lack of alternate fuel at a cost that does not substantially exceed the cost of using imported petroleum will be changed. It also is proposed to insert language that will dramatically decrease the evidence that must be presented to qualify for an FUA exemption when a powerplant certifies to the technical and financial feasibility of using an alternate fuel at a future date.

Timetable:

Action	Date	FR Cite
NPRM	01/25/89	54 FR 3726
NPRM Comment Period End	03/20/89	
Final Action	12/22/89	54 FR 52886
Final Action Effective	12/22/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: This action formerly was identified as RIN 1903-AA08.

Agency Contact: **Anthony J. Como**, Director, Office of Coal and Electricity, Department of Energy, Departmental and Others, Office of Fossil Energy, 1000 Independence Ave.,SW, Room 3H-087 FE-52, Washington, DC 20585, **202 586-5935**

RIN: 1901–AA17

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Proposed Rule Stage

689. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA23

690. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS: MANAGEMENT OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: Updates the Property Management Regulations regarding management of motor equipment, including motor vehicles, aircraft, and watercraft.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8260

RIN: 1991–AA28

691. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MISCELLANEOUS CHANGES ON ACQUISITION OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 945

Legal Deadline: None

Abstract: To provide additional, and to revise current, policy guidance on the acquisition of personal property in the areas of motor equipment management including motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8260

RIN: 1991–AA32

692. PROPOSED RULE ON DOE CONTRACTOR DRUG-FREE WORKPLACE POLICY

Significance: Agency Priority

Legal Authority: 42 USC 2011 et seq; Atomic Energy Act and Energy Reorganization Act, as amended

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive drug abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9033

RIN: 1991–AA39

693. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence

Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA44

694. DEPARTMENT OF ENERGY ACQUISITION REGULATION: INTERNAL CONTROLS SYSTEMS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulation to require its Management and Operating Contractors to develop and maintain systems of internal controls to discourage waste, fraud and abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA50

695. DEPARTMENT OF ENERGY ACQUISITION REGULATION: PRICE-ANDERSON ACT

Legal Authority: 42 USC 2014

CFR Citation: 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to amend the regulations which implement the Price-Anderson Act. Amendments are necessary to incorporate the revisions included in the Price-Anderson Amendments Act of 1988. These regulations deal only with those aspects of the Price-Anderson legislation incorporated in the agency's acquisition regulations, e.g., contract clauses providing nuclear hazards indemnity.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8264

RIN: 1991–AA52

696. DEPARTMENT OF ENERGY ACQUISITION REGULATION: ENVIRONMENTAL, SAFETY, AND HEALTH REQUIREMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety, and health requirements for contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8250

RIN: 1991–AA53

697. DOE CONTRACTOR ALCOHOL-FREE WORKPLACE PROGRAM

Legal Authority: 42 USC 2011 et seq; Atomic Energy Act and Energy Reorganization Act, as amended

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive alcohol abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address alcohol testing requirements, educational and training programs, counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, construction, and servicing DOE facilities. Benefits will be in establishing a reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Division of Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, MA-406.2, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9033

RIN: 1991–AA57

698. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS - UPDATES

Legal Authority: 42 USC 7254; 42 USC 486(e)

CFR Citation: 48 CFR 901; 48 CFR 904; 48 CFR 909; 48 CFR 915; 48 CFR 917; 48 CFR 922; 48 CFR 933; 48 CFR 942; 48 CFR 943; 48 CFR 952; 48 CFR 970; 48 CFR 971

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update references, remove outdated materials, correct editorial errors, add additional interagency agreement coverage, and increase the level for approval of M&O contractor personnel compensation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-402.1, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-8189**

RIN: 1991–AA59

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699. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 7254; 42 USC 486(c)

CFR Citation: 48 CFR 901; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update the regulation at Part 901 (Federal Acquisition Regulatory System) to assure its conformity to the Federal Acquisition Regulation and to update Part 952 (Contract Clauses) and Part 970 (Management and Operating Contracts) to further refine the applicability of certain clauses to management and operating subcontracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	07/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-402.1, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-8189**

RIN: 1991–AA60

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700. ● COLLECTION OF CLAIMS OWED THE UNITED STATES

Legal Authority: 31 USC 3701 to 3719; PL 97-365; 31 USC 3720A; PL 98-369

CFR Citation: 10 CFR 1015

Legal Deadline: None

Abstract: The Department of Energy (DOE) Debt Collection Regulations (10 CFR 1015) are being updated to include provisions of the revised Office of Management and Budget Circular A-129 and to implement the Federal Tax Refund Offset Program. This update supports the objective of 10 CFR 1015, which establishes the overall regulations under which DOE collects claims owed to the United States including the implementation of the Federal Claims Collection Act (31 USC 3701-3719) as amended by the Debt Collection Act of 1982 (PL 97-365). DOE's Debt Collection Regulations also incorporate the Federal Claims Collection Standards (4 CFR 101-105) published jointly by the Department of Justice and the General Accounting Office. The preamble to the Federal Claims Collection Standards states that each Federal agency is required to develop its own implementing regulations based on and consistent with these standards. The Debt Collection Act specifies that each agency must prescribe regulations on certain aspects of the debt collection process. Furthermore, the Department of Treasury's Regulations (26 CFR 301.6402) which implement the Deficit Reduction Act of 1984 (31 USC 3720A) (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
NPRM Comment Period End	05/00/91	
Final Action	11/00/91	
Final Action Effective	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: require agencies to promulgate regulations governing the referral of delinquent debts to the Internal Revenue Service for offset against the income tax refunds of persons owing money to DOE (presently implemented under temporary regulations at 10 CFR 1018).

Agency Contact: Helen O. Sherman, Acting Director, Office of Financial Policy, Department of Energy, Management and Administration, MA-31, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-4860**

RIN: 1991–AA62

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701. ● STEVENSON-WYDLER TECHNOLOGY TRANSFER PROGRAM; DOE MANAGEMENT AND OPERATING CONTRACTOR LABORATORIES

Legal Authority: PL 101-189, Sec 3133

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: PL 101-189 amended the Stevenson-Wydler Technology Innovation Act to include DOE management and operating laboratories. DOE will need to amend DEAR 970 to standardize the implementation of this technology transfer program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA63

702. ● FIXED OBLIGATION AWARDS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation would permit simpler administration of uncomplicated or small-dollar financial assistance awards, which now are managed in a manner designed to address much larger awards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8173

RIN: 1991–AA65

703. ● PUBLICIZING FEDERAL SUPPORT IN RECIPIENT PROCUREMENT SOLICITATIONS (GRANTS)

Legal Authority: PL 101-136, Sec 623; Treasury, Postal Service & Gen. Govt. Appropriations Act, 1990

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: The regulation would provide guidance on implementation of section 623 of the Treasury, Postal Service and General Government Appropriations Act, 1990. Section 623 requires information in procurement solicitations of assistance recipients about the amount and percent of Federal funds involved in the procurement. The law applies to procurements in excess of $500,000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA66

704. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTORS AND FACILITY MANAGEMENT DIRECTIVES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to specify that DOE management and operating contractors will comply with applicable DOE directives when performing facility management duties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-402.1, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8189

RIN: 1991–AA67

705. ● CRITERIA AND PROCEDURES FOR DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 2011, Atomic Energy Act

CFR Citation: 10 CFR 708

Legal Deadline: None

Abstract: Employees of contractors at DOE nuclear energy facilities should be able to provide information to DOE and the Congress concerning violations of law, health and safety, or matters involving gross mismanagement, waste, fraud or abuse without fear of reprisal. The proposed regulation will establish a procedure for investigation, hearing and review of allegations of reprisal for such disclosures. Contractors found to have discriminated against an employee for providing such information must provide relief to the complainant. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing and servicing DOE facilities. Benefits will be in protecting whistleblowers who provide valuable information about unsafe, illegal, or wasteful practices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-9033

RIN: 1991–AA68

706. ● DEBARMENT AND SUSPENSION

Legal Authority: EO 12689

CFR Citation: 10 CFR 1035; 10 CFR 1036

Legal Deadline: None

Abstract: This conforms procurement debarment procedures and nonprocurement debarment procedures to have reciprocal governmentwide effect.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	06/00/91	

DOE—MA Proposed Rule Stage

Action	Date	FR Cite
Final Action Effective	07/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA69

707. ● REVISIONS TO FEE SCHEDULES; CONTRACTS

Legal Authority: 42 USC 2201; 42 USC 7254

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: This action will update DOE's fee schedules to reflect inflation which has been experienced since they were last revised in 1983. In addition, this action may revise certain techniques used in negotiating award fee contracts. For example, this action may increase the amounts negotiated as base fees under such arrangements, and may also make base fees mandatory, rather than discretionary, in certain kinds of contracts. This action will affect management and operating contracts, construction management contracts, and construction contracts which use award fee arrangements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Charles A. Dan, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA70

708. ● GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Significance: Agency Priority

Legal Authority: PL 100-690, sec 5151 to 5160

CFR Citation: 10 CFR 1036

Legal Deadline: None

Abstract: To comply with the intent of the statute and to implement the final common rule on drug-free workplace, DOE will need to add violation of the statute to its list of causes for debarment and suspension and to provide administrative guidance consistent with the requirements of the common rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA71

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

709. RESEARCH OPPORTUNITY ANNOUNCEMENTS

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 935; 48 CFR 917

Legal Deadline: None

Abstract: The purpose of this action is to amend the Acquisition Regulations (DEAR) to implement policies and procedures concerning the use of broad agency announcements, a form of competitive solicitation, as allowed by FAR 35.016.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29757
NPRM Comment Period End	09/12/89	
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA 402.1, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8246

RIN: 1991–AA42

710. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: Regulation is part of governmentwide common rulemaking changes to A-110 and merging into the common rule growing out of A-102. A-110 is a Federal directive. Another alternative may be to separate A-110 from A-102 or to update and maintain Circular A-110. Under auspices of OMB, all agencies published NPRMs on 11/04/88.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44724
NPRM Comment Period End	01/03/89	53 FR 44716
Final Action	05/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy

DOE—MA

Final Rule Stage

Division, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8174

RIN: 1991–AA55

711. DEPARTMENT OF ENERGY ACQUISITION REGULATION; OFFEROR REPRESENTATIONS AND CERTIFICATIONS PROCEDURES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 914; 48 CFR 915; 48 CFR 952

Legal Deadline: None

Abstract: The purpose of this action is to amend the Department of Energy Acquisition Regulation (DEAR) by revising current policies on the collection of offeror-representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30569
NPRM Comment Period End	08/21/89	54 FR 30569
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA-402.1, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8246

RIN: 1991–AA58

712. ● RESTRICTIONS ON LOBBYING (NONPROCUREMENT)

Significance: Agency Priority

Legal Authority: PL 101-121, Sec 319

CFR Citation: 10 CFR 1036

Legal Deadline: None

Abstract: The Department will join other Executive agencies in issuing an interim final common rule for the purpose of implementing new statutory prohibitions, disclosure requirements, and sanctions with regard to lobbying activities financed with appropriated funds.

Timetable:

Action	Date	FR Cite
OMB Interim Final Guidance	12/20/89	54 FR 52306
Interim Final Rule	02/26/90	55 FR 6736
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8190

RIN: 1991–AA64

713. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION CONTRACTOR ACCOUNTABILITY

Legal Authority: 42 USC 2201, sec 644; 42 USC 7254, sec 205(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: To amend the Department of Energy Acquisition Regulation (DEAR) regarding administration of fee-bearing management and operating (M&O) contracts to improve contractor accountability. The purpose is to emphasize the importance of excellent performance, particularly in the areas of environment, safety and health.

Timetable:

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2796
NPRM Comment Period End	03/27/90	55 FR 2796
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Stephen D. Mournighan, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SE., Washington, DC 20585, 202 586-8182

RIN: 1991–AA72

DEPARTMENT OF ENERGY (DOE)

Management and Administration (MA)

Completed Actions

714. REVISED POLICY ON OBJECTIVE MERIT REVIEW OF DISCRETIONARY FINANCIAL ASSISTANCE APPLICATIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation establishes standards for program offices to follow in conducting objective merit review of discretionary awards. It addresses problems with inconsistencies among programs and uncertainties about processes within DOE. No costs are apparent. Benefits include consistency and greater public awareness of agency procedures. This regulation also implements OMB-encouraged grants management changes growing out of the Florida Demonstration Project. No costs are apparent. Benefits include less governmental and recipient paperwork and greater recipient efficiency.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10670
NPRM Comment Period End	04/14/89	54 FR 10670
Final Action	10/13/89	54 FR 41943
Final Action Effective	11/13/89	54 FR 41943

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8174

RIN: 1991–AA41

DOE—MA

Completed Actions

715. REFERRAL OF DEBTS TO IRS FOR TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; PL 98-369

CFR Citation: 10 CFR 1018

Legal Deadline: None

Abstract: This rule establishes regulations under which the Department of Energy will refer past due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing debts to the Department. The agreement with IRS requires DOE to promulgate regulations governing DOE operation of the Federal Tax Refund Offset Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/89	54 FR 772
Interim Final Rule Comment Period End	02/08/89	54 FR 772
Merged with RIN 1991-AA62	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final regulations will be included in the upcoming amendment of 10 CFR 1015. Upon issuance of the final rule to amend 10 CFR 1015, 10 CFR 1018 will be canceled.

Agency Contact: Robert M. Myers, Staff Accountant, Department of Energy, Management and Administration, 1000 Independence Ave., SW. (MA-31), Washington, DC 20585, 202 586-4860

RIN: 1991–AA54

716. DEPARTMENT OF ENERGY ACQUISITION REGULATION; CONTRACT CLAUSES - AWARD FEE

Legal Authority: 42 USC 2201; 42 USC 7254

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: Amends the Department of Energy Acquisition Regulation to provide a mandatory contract clause for the Department's management and operating (M&O) contracts awarded on an award fee basis. The clause provides that a fee determination official may withhold all award fees if a contractor's performance is unacceptable in any important area. The clause requires contractors to provide self-evaluations which will be used by agency personnel in their appraisal of contractor management.

Timetable:

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30230
NPRM Comment Period End	08/18/89	
Final Action	11/24/89	54 FR 48611
Final Action Effective	12/26/89	54 FR 46811

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Charles A. Dan, Procurement Analyst, Department of Energy, Management and Administration, MA-421, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA61

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

717. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES REGULATIONS

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Appendix I of the Regulations, regarding employee financial disclosure requirements, was published as a Final Rule in April 1988.

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA00

718. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel, for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA04

DOE—OGC

Proposed Rule Stage

719. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; REVISION OF CURRENT PROCEDURES

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: Revision and amendment of the current administrative procedure is necessary to streamline and shorten the process for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with DOE contractors, agents, and access permittees of the DOE, individuals who are DOE employees or applicants for DOE employment, and other persons designated by the Secretary of DOE for access to Restricted Data or significant quantities of special nuclear material, or for access to national security information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William A. Crane, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, GC-40; Room 6A-197, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-5246

RIN: 1990–AA13

720. ● CONDUCT OF EMPLOYEES; COOPERATION WITH THE INSPECTOR GENERAL

Legal Authority: 5 USC app 3, sec 7

CFR Citation: 10 CFR 1010.217

Legal Deadline: None

Abstract: On April 16, 1989, the Office of Inspector General within the Department of Energy was brought under the authority of the Inspector General Act of 1978. As a result, section 1010.217 needs to be revised so that it will contain provisions on protecting the identities of, and on prosecuting reprisals against, employees who give information to the Inspector General.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel, for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA14

721. ● PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 1060

Legal Deadline: None

Abstract: The regulation needs to be revised to reflect the delegation of authority from the Office of Personnel Management to pay travel expenses of certain job applicants in traveling to preemployment interviews required by the Department.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel, for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-1522

RIN: 1990–AA15

722. ● PROCEDURES AND NUCLEAR SAFETY REQUIREMENTS FOR ASSESSMENT OF PRICE-ANDERSON PENALTIES

Significance: Regulatory Program

Legal Authority: PL 100-408; 42 USC 2273(c); 42 USC 2282a

CFR Citation: 10 CFR 830 to 832

Legal Deadline: None

Abstract: The Price-Anderson Act of 1988 contains provisions subjecting DOE contractors (and subcontractors and suppliers thereto) who are indemnified under the Price-Anderson Act, to penalties for violations of nuclear safety rules, regulations, or orders issued by the Department. The Secretary has authority to compromise, modify, or remit penalties and to prescribe regulations as necessary. The Secretary is required to determine by rule whether nonprofit educational institutions should receive automatic remission of civil penalties.

The penalty provisions of the Act were directed toward increasing DOE safety related control over contractors through financial penalties. These regulations implement the penalty provisions of the Act and will include, as an appendix, a General Statement of Enforcement Policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Implementation of Price-Anderson Amendments Act Penalty Provision		
Notice of Inquiry 09/21/89 (54 FR 38865)		
Public Hearing 05/00/90		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Susan K. Kuznick, Deputy Assistant General Counsel for Nuclear Affairs, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, 202 586-6975

RIN: 1990–AA16

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

723. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	
NPRM Comment Period End	01/30/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-2802**

RIN: 1990–AA02

724. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44602
NPRM Comment Period End	01/09/89	53 FR 44602
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., Washington, DC 20585, **202 586-2802**

RIN: 1990–AA07

725. INDEMNIFICATION OF DEPARTMENT OF ENERGY OFFICIALS AND EMPLOYEES

Legal Authority: 42 USC 7131; 42 USC 7231; 42 USC 7254; 28 CFR 50.15 (a)(7)(iii)

CFR Citation: 10 CFR 1012

Legal Deadline: None

Abstract: The Department of Energy does not have a policy for indemnifying its employees who are sued personally and suffer an adverse judgment as a result of conduct taken within the scope of employment. Lawsuits against Federal employees in their personal capacity can constitute a major impediment to the effective conduct of the public's business, since employees faced with the potential of being held personally liable may be inhibited in discharging their duties. To deal with this problem, the Department proposes to establish a policy permitting, but not requiring, the indemnification of an employee who suffers an adverse verdict, judgment, or other monetary award when the actions giving rise to liability were within the scope of his employment and indemnification is in the interest of the Government. This policy would be modeled on a similar policy already adopted by the Department of Justice for its employees.

Timetable:

Action	Date	FR Cite
Final Action	11/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacob D. Vreeland, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., GC-22, Washington, DC 20585, **202 586-8709**

RIN: 1990–AA11

726. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301; 28 CFR 1621

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: The intent of this regulation is to establish an agency-wide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently exists. However, relocating its position in the Code of Federal Regulations and some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
Final Action	11/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

DOE—OGC **Final Rule Stage**

Agency Contact: Jacob D. Vreeland, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW. GC-22, Washington, DC 20585, 202 586-8709

RIN: 1990–AA12

[FR Doc. 90-5941 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 30, 1989.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Charlotte E. Lewis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; telephone: (202) 245-6824.

Robin H. Carle,

Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
727	Revisions to "Quality of Care" Exclusion and Payment Denial Regulations	0991-AA61

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
728	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
729	Civil Money Penalties and Sanctions for HMOs and Competitive Medical Plans	0991-AA44
730	Prohibition on Use of Physician Incentive Plans	0991-AA45
731	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
732	PRO Rural Practitioners Amendments	0991-AA51
733	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
734	Block Grant Programs	0991-AA55
735	Standardization and Uniform Application of CMP Procedures	0991-AA57
736	Contract Audit Policy	0991-AA59
737	Revisions to the PRO Sanctions Notification Process	0991-AA60
738	Administrative Improvements, Reporting Requirements and Other Technical Changes for State Medicaid Fraud Control Units	0991-AA62
739	Civil Money Penalties For Failure To Identify Medicare Secondary Payer Situations	0991-AA64
740	Additional Safe Harbor Provisions Under The OIG Anti-Kickback Statute	0991-AA66

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
741	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
742	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
743	Audits of Non-governmental Grantees	0991-AA29
744	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
745	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40
746	OIG Anti-Kickback Provisions	0991-AA49
747	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54
748	Uniform Administrative Requirements for Grants and Cooperative Agreements	0991-AA56
749	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	0991-AA63

HHS

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
750	Civil Money Penalties For Physician Ownership of, and Referral To Certain Health Care Entities	0991-AA65

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
751	Civil Money Penalties and Exclusions for Various Medicare Part B Violations Resulting from OBRA 1986, OBRA 1987 and PL 100-360	0991-AA46
752	Civil Money Penalties and Sanction Authorities Relating to the Medicare Catastrophic Coverage Provisions	0991-AA52

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
753	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
754	Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party	0990-AA03

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
755	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
756	Head Start Appeals Process	0980-AA20
757	Head Start Recruitment Selection and Enrollment of Children	0980-AA27
758	Head Start: Grants Administration	0980-AA32
759	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women	0980-AA33
760	Adoption and Foster Care Information	0980-AA35
761	Social Services Block Grant Information Collection	0980-AA42
762	Requirements Applicable to Title IV-E Foster Care and Title IV-B Child Welfare Services	0980-AA44
763	Runaway and Homeless Youth Program	0980-AA45

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
764	Head Start Criteria for Selection of New Grantees	0980-AA17
765	Head Start Staff and Program Options Requirements	0980-AA18
766	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
767	Child Abuse and Neglect: Technical Amendments	0980-AA40

HHS

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
768	Runaway and Homeless Youth Program	0980-AA11
769	Developmental Disabilities Program	0980-AA36

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
770	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
771	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
772	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
773	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
774	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
775	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
776	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgment Funds and Per Capita Distributions	0960-AB86
777	Old-Age, Survivors, and Disability Insurance Program; Evaluation Criteria for Immune System Disorders, Including HIV Infection (Acquired Immunodeficiency Syndrome (AIDS)/AIDS-Related Complex)	0960-AC06
778	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
779	Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work	0960-AC22
780	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
781	Supplemental Security Income Program; Parent-to-Child Deeming	0960-AC38
782	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
783	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
784	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
785	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
786	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
787	Supplemental Security Income Program; Continuation of Full Benefit Standard for Certain Persons Institutionalized	0960-AC55
788	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
789	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58
790	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Representation of Parties - Suspension and Disqualification of Representatives	0960-AC59
791	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability - Determining State Agency Substantial Failure	0960-AC60
792	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Factors Regulations Restructuring and Clarification	0960-AC61
793	Supplemental Security Income Program; Resources and Exclusions; Definition of Resources	0960-AC66
794	Old-Age, Survivors, and Disability Insurance Program, and Organization and Procedures; Requirement of Social Security Number as a Condition for Receipt of Benefits	0960-AC67
795	Old-Age, Survivors, and Disability Insurance Program; Suspension of Benefits of Deported Nazis; Exemption from Social Security Taxation Because of Religious Beliefs	0960-AC68
796	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults	0960-AC74
797	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Interim Disability Benefits	0960-AC76
798	Supplemental Security Income Program; Redeterminations of Supplemental Security Income Eligibility	0960-AC77
799	Disclosure of Official Records and Information; Blood Donor Locator Service	0960-AC79
800	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Medical Improvement Review Standard (MIRS)—Miscellaneous Changes	0960-AC81
801	Supplemental Security Income Program; Augmented Benefits	0960-AC82

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Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
802	Old-Age, Survivors and Disability Insurance Program; Full-Time Attendance by Elementary or Secondary School Student	0960-AC83
803	Old-Age, Survivors and Disability Insurance Program; Administrative Waiver of Disadvantageous Recomputations	0960-AC84
804	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Representation of Claimants for Benefits Under Title II or Title XVI	0960-AC87
805	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Standards Applicable in Determinations of Good Cause, Fault, and Good Faith	0960-AC88
806	Old-Age, Survivors and Disability Insurance Program; Elimination of Dependency Test Applicable to Certain Adopted Children	0960-AC90
807	Old-Age, Survivors and Disability Insurance Program; Correction of Earnings Records	0960-AC91

Social Security Administration—Final Rule Stage

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808	Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations	0960-AA22
809	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AB05
810	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income	0960-AB09
811	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22
812	Supplemental Security Income Program; How We Count Unearned Income—Funds Used to Pay Indebtedness	0960-AB29
813	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance and Other Changes	0960-AB36
814	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
815	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
816	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
817	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
818	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
819	Organization and Procedures, and OASDI Programs; Evidence Required for Duplicate Social Security Number Card	0960-AC32
820	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
821	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35
822	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations	0960-AC40
823	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
824	Supplemental Security Income Program; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces	0960-AC48
825	Supplemental Security Income Program; Exclusion of Certain Housing Assistance Payments from Income and Resources	0960-AC65
826	Old-Age, Survivors, and Disability Insurance Program; Changes in the Annual Earnings Test	0960-AC69
827	Old-Age, Survivors, and Disability Insurance Program; Effect of Pensions from Noncovered Employment	0960-AC70
828	Old-Age, Survivors, and Disability Insurance Program; Rules Governing Social Security Coverage of Federal Employment	0960-AC71
829	Old-Age, Survivors, and Disability Insurance Program; Spouse's Benefits—Substitution of Certificate of Election for Application to Establish Entitlement for Certain Widow's/Widower's Benefits	0960-AC72
830	Old-Age, Survivors, and Disability Insurance Program; Entitlement of a Surviving Divorced Spouse After Remarriage	0960-AC73
831	Supplemental Security Income Program; Treatment of Augmented Protected VA Benefits	0960-AC86

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Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
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833	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
834	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
835	Disclosure of Information for Law Enforcement Purposes	0960-AB66
836	OASDI & SSI Programs; Overpayment and Liability for Repayment of an Overpayment	0960-AB78
837	Old-Age, Survivors, and Disability Insurance; Black Lung; and Supplemental Security Income Programs; and Organization and Procedures; Application of Circuit Court Law	0960-AB85
838	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
839	Old-Age, Survivors, and Disability Insurance Program; Employment, Wages, Self-Employment, and Self-Employment Income	0960-AC27
840	Old-Age, Survivors and Disability Insurance Program and Organization and Functions; Correction of Earnings Records	0960-AC30
841	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors	0960-AC31
842	Supplemental Security Income Program; Exclusion from Countable Resources of the Value of Promissory Notes in Home Replacement Situations	0960-AC43
843	Supplemental Security Income Program; Exclusion of Real Property When It Cannot Be Sold; and Transfer of Assets for Less Than Fair Market Value	0960-AC47
844	Supplemental Security Income Program; Increase in Emergency Advance Payments	0960-AC50
845	Old-Age, Survivors, and Disability Insurance Program; Social Security Numbers for Newborn Children	0960-AC56
846	Old-Age, Survivors and Disability Insurance; Continued Payment of Benefits During Appeal	0960-AC62
847	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Increase in Substantial Gainful Activity and Trial Work Period Monthly Amounts	0960-AC64
848	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness: Categories of Impairments; AIDS Extension Date	0960-AC75
849	Old-Age, Survivors and Disability Insurance Program; Determining Disability and Blindness; Extension of Expiration Date for Cardiovascular System Listing	0960-AC78
850	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Job Placement and Retention Services Provided by a VRA as a Condition for Payment	0960-AC80
851	Supplemental Security Income Program; Regulations to Reflect Notice Requirements of the Computer Matching and Privacy Act of 1988	0960-AC85

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
852	Waivers to Requirement That States Spend at Least a Certain Portion of State Block Grant Funds for New Mental Health Services and Programs	0905-AC99

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
853	NIOSH Revision of Tests and Requirements for Certification of Respiratory Protective Devices	0905-AB58
854	Interstate Shipment of Biological Material that Contains or May Contain an Etiologic Agent	0905-AC89

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Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
855	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
856	Drug Exports	0905-AC44
857	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48
858	Computer Products; Policy Guidance	0905-AC72

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
859	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
860	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
861	New Animal Drug Approval Process	0905-AA96
862	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
863	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
864	Abbreviated New Drug Application Regulations (Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB63
865	Food Labeling; Health Messages and Label Statements	0905-AB67
866	Look-back Requirements for Blood Recipients Who are at Increased Risk of HIV Infection	0905-AC90
867	Food Labeling Review	0905-AD08
868	Implementation of Title I of the Generic Animal Drug and Patent Term Restoration Act	0905-AD15
869	Patent Term Restoration for Animal Drugs	0905-AD16
870	Investigational New Drug, Antibiotic and Biological Drug Product Applications; Proposed Amendment to Sections on Clinical Hold and Termination	0905-AD19

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
871	Over-the-Counter (OTC) Drug Review	0905-AA06
872	Policies Concerning Uses of Sulfiting Agents	0905-AB52
873	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
874	Infant Formula Act	0905-AC46
875	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
876	Action Levels for Added Poisonous or Deleterious Substances in Food (Including Animal Feed)	0905-AC73
877	Prescription Drug Marketing Act of 1987; Implementation	0905-AC81
878	Lead from Ceramic Pitchers	0905-AC91
879	Proficiency Testing Requirements for Laboratories Testing Blood and Blood Components by the FDA-Required Tests for HBsAg and Anti-HIV	0905-AC92
880	Methadone in Maintenance Treatment of Narcotic Addicts; Joint FDA and NIDA Proposed Revision of Conditions of Use	0905-AC93
881	Expediting Approval for Drugs Intended to Treat Life-Threatening and Severely-Debilitating Illnesses	0905-AC94
882	Retention of Bioavailability and Bioequivalence Testing Samples	0905-AD17

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Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
883	Provisionally Listed Color Additives	0905-AB60
884	Labeling for Menstrual Tampons; Ranges of Absorbency	0905-AC54

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
885	Area Health Education Center Program	0905-AC67
886	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions	0905-AC75
887	Grants for Community Health Centers	0905-AC85
888	Grants for Migrant Health Services	0905-AC86
889	Health Education Assistance Loan (HEAL) Program: Performance Standards	0905-AC87
890	National Data Bank for Adverse Information on Health Care Practitioners and Providers (Section 5 Amendments)	0905-AC88
891	Grants for Educational Assistance to Individuals from Disadvantaged Backgrounds	0905-AD01
892	Health Education Assistance Loan (HEAL) Program: Postjudgment Collections	0905-AD11
893	National Data Bank for Adverse Information on Physicians, Dentists, Other Health Care Practitioners, and Health Care Entities (Title IV): Medical Malpractice Research Data	0905-AD12

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
894	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129 (Allied Health)	0905-AC28
895	Nursing Post-Baccalaureate Faculty Fellowships Program	0905-AC34
896	National Health Service Corps Loan Repayment Program; Grants For State Loan Repayment Programs and Special Repayment Program	0905-AC65
897	Designation of Mental Health Manpower Shortage Areas	0905-AC68
898	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry	0905-AC71
899	Nursing Student Loan (NSL) Program: Cash Management	0905-AC76
900	Health Professions Student Loan (HPSL) Program: Cash Management	0905-AC78
901	Health Education Assistance Loan (HEAL) Program: Implementation of Public Law 100-607	0905-AD05
902	Nursing Student Loan (NSL) Program: Implementation of Public Law 100-607	0905-AD06
903	Health Professions Student Loan (HPSL) Program: Implementation of Public Law 100-607	0905-AD07

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
904	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
905	National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners	0905-AC51
906	Grants for Nursing Special Projects	0905-AD02
907	Grants for Residency Training and Faculty Development in General Internal Medicine and General Pediatrics	0905-AD03
908	Grants for Predoctoral, Graduate, and Faculty Development Education in Family Medicine	0905-AD04

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Public Health Service—Indian Health Service (IHS)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
909	Indian Health Service Loan Repayment Program Regulations	0905-AC96
910	Indian Health Catastrophic Health Emergency Fund Program	0905-AC97
911	Revision of Indian Self-Determination Regulations	0905-AC98
912	Revision of Urban Health Regulations	0905-AD20
913	Improvement of Indian Health Status, Equity Fund	0905-AD21
914	Expansion of Siletz Contract Health Service Delivery Area	0905-AD22

Public Health Service—Indian Health Service (IHS)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
915	Contract Health Services	0905-AD00

Public Health Service—Indian Health Service (IHS)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
916	Preference in Employment	0905-AD09

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
917	Changes in NIH Program Regulations Due to PL 99-158, PL 99-499, Title X of P.L. 99-660, and P.L. 100-607	0905-AC02
918	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27
919	Volunteer Services at the National Institutes of Health	0905-AC95
920	National Institutes of Health AIDS Research Loan Program	0905-AD18

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
921	National Library of Medicine Programs; Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66
922	National Institute of Environmental Health Sciences Hazardous Waste Worker Training	0905-AD14

Public Health Service—Agency for Toxic Substances and Disease Registry (ATSDR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
923	Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities	0905-AC84

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Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
924	Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions	0938-AA33
925	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
926	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
927	Hospice/Case Management	0938-AC52
928	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
929	PRO Review of Surgical Procedures and Requirements for Second Opinions	0938-AC90
930	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
931	Changes Concerning the Definition of Accrual Basis of Accounting	0938-AD01
932	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities	0938-AD02
933	Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
934	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services	0938-AD17
935	Transfer of Assets	0938-AD18
936	Medicare Coverage of Outpatient Occupational Therapy Services, Vision Care and Services Furnished by Physician Assistants	0938-AD32
937	State Share of Financial Participation	0938-AD36
938	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1989	0938-AD48
939	Application of the Comparable Services Limitation in Determining Reasonable Charges	0938-AD50
940	Revisions to the Freedom of Information Regulations	0938-AD60
941	Charges to Residents' Funds in Nursing Homes	0938-AD66
942	Prohibition of FFP for Educational and Vocational Training for Institutionalized Individuals	0938-AD69
943	Pre-admission Review and Authorization Outpatient Surgery, Pre-admission Diagnostic Testing and Same Day Surgery Under Medicaid	0938-AD70
944	Changes to the Reasonable Cost Regulation Concerning Investment Income	0938-AD72
945	Medicare Secondary Payer for Disabled Active Individuals	0938-AD73
946	Clarification of Durable Medical Equipment Coverage Under Medicare	0938-AD77
947	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Aide Supervision and Discharge Planning	0938-AD78
948	Appeal Rights and Procedures for Beneficiaries Enrolled in Prepaid Health Care Plans	0938-AD79
949	Omnibus Nursing Home Reform Requirements	0938-AD81
950	New Minimum Standards for Medicare Supplemental (Medigap) Policies	0938-AD82
951	Medicare Payment and Coverage of Psychologists' Services Furnished at Clinics	0938-AD84
952	Fee Schedule for Certified Nurse-Midwife Services	0938-AD85
953	SNF/NF Enforcement of Provisions: Medicare and Medicaid	0938-AD94
954	Recovery of Overpayments Resulting from Computational Errors	0938-AD95
955	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons	0938-AD97
956	Exclusion of Coverage of Chairs with a Built-in Lift Mechanism	0938-AE05
957	Withdrawal of Coverage of Extracranial-Intracranial Arterial Bypass Surgery for the Treatment or Prevention of Stroke	0938-AE11
958	Protection of Income and Resources for Community Spouse	0938-AE12
959	Criteria and Standards for Evaluating Intermediaries and Carriers	0938-AE15
960	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AE17
961	HMO Fiscal Soundness and Group Specific Rating	0938-AE24
962	HMO Organizational Structure and Services	0938-AE25
963	HMO Qualification Determinations	0938-AE26
964	Clinical Laboratory Improvement Amendments of 1988; Fee Collection	0938-AE28
965	"Confined to the Home" Requirements for Home Health Services	0938-AE34
966	Payment Adjustments for Hospitals That Serve a Disproportionate Number of Low-Income Patients	0938-AE35
967	Medicaid Management Information System (MMIS) Performance Review, Notification Procedures for Changes	0938-AE36
968	Home Health Agencies: Definitions of "Intermittent" and "Part-time" Nursing Care and Home Health Aide Services	0938-AE37
969	Medicaid Payment of Medicare Cost Sharing for Qualified Medicare Beneficiaries	0938-AE38
970	Survey of Home Health Agencies (HHAs) and Alternative Sanctions for HHAs and Providers of Home Intravenous Drug Therapy Services	0938-AE39
971	Hospital Standard for HIV Infectious Blood	0938-AE40
972	Home and Community Based Services Waivers for Drug Dependent or AIDS Infected Children	0938-AE44
973	Offset of Medicare Payments to Individuals to Collect Past Due Obligations Arising from Breach of Scholarship and Loan Contracts	0938-AE45
974	Clinical Laboratories CLIA '88 Requirements	0938-AE47
975	Conditions of Coverage for Organ Procurement Organizations	0938-AE48
976	Preadmission Screening and Annual Resident Review	0938-AE49
977	Nurse Aide Training and Competency Evaluation Programs	0938-AE50

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Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
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979	Payment for Epoetin (EPO) Furnished to ESRD Patients	0938-AE52
980	Revision to the Medicare Economic Index and Update for Calendar Year 1991	0938-AE54
981	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1991 Rates	0938-AE56
982	Capital Payments Under the Inpatient Hospital Prospective Payment System	0938-AE59
983	Enforcement of Laboratory Requirements	0938-AE60
984	Minimum Data Set for Nursing Facility Resident Assessment Care Screening	0938-AE61
985	Criteria for Accreditation Programs Under the Clinical Laboratories Improvement Amendments of 1988	0938-AE62
986	HMO/CMP Disenrollment, Contract Terminations and Other Provisions	0938-AE63
987	Conforming Provisions for 1988 HMO Amendments	0938-AE64
988	Cost Limits for Health Maintenance Organizations and Competitive Medical Plans	0938-AE65
989	Health Maintenance Organizations and Competitive Medical Plans; Coordinated Open Enrollment	0938-AE69
990	Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Services	0938-AE72
991	Capital Payments Under the Inpatient Hospital Prospective Payment System	0938-AE74

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
992	Medicaid Eligibility and Coverage Requirements	0938-AA58
993	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
994	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
995	Medicare/Medicaid Revaluation of Assets	0938-AB64
996	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
997	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
998	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
999	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
1000	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
1001	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
1002	Payment for Physician Outpatient Maintenance Dialysis Services and Other Physician Services for ESRD Patients	0938-AC57
1003	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
1004	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
1005	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84
1006	Changes Concerning Suspension of Medicare Payments, Interest Rates Charged on Overpayments and Underpayments, and Determinations of Allowable Interest Expense	0938-AC99
1007	Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology	0938-AD07
1008	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
1009	Requirements for Long Term Care Facilities	0938-AD12
1010	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
1011	Eligibility of Aliens for Medicaid	0938-AD15
1012	Medicaid: Eligibility Groups, Extended Coverage of Services, and Conditions of Eligibility: OBRA '87, COBRA, and TEFRA	0938-AD16
1013	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
1014	Withdrawal of Coverage of Single Photon Absorptiometry and Radiographic Absorptiometry and Continued Noncoverage of Dual Photon Absorptiometry	0938-AD28
1015	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
1016	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
1017	Physician Liability on Non-Assigned Claims	0938-AD34
1018	Changes to Peer Review Organization Regulations	0938-AD38
1019	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements	0938-AD45
1020	Protocol for the Reuse of Dialysis Bloodlines	0938-AD52
1021	Home and Community-Based Services for the Elderly	0938-AD55
1022	Fee Schedules for Radiologist Services	0938-AD62
1023	Uniform Relative Value Guide for Anesthesia Services Furnished by Physicians	0938-AD63
1024	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices	0938-AD65
1025	Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals	0938-AD76

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Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1026	Swing-Bed Program Changes	0938-AD83
1027	Second Surgical Opinion Requirements for Medicaid Recipients	0938-AD86
1028	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987	0938-AD92
1029	Diagnosis Codes on Physician Bills	0938-AE06
1030	MMIS System Performance Review Revisions	0938-AE16
1031	Update of Ambulatory Surgical Center Payment Rates for July 1, 1989	0938-AE29
1032	Update of Ambulatory Surgical Center Payment Rates Effective July 1, 1990	0938-AE53
1033	Change in Payment for Home Dialysis	0938-AE55
1034	Schedule of Limits on Home Health Agency Costs per Visit for Cost Reporting Periods Beginning on or After July 1, 1990	0938-AE57
1035	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning on or After October 1, 1990	0938-AE58
1036	Part A Premium for the Uninsured Aged for 1991	0938-AE66
1037	Monthly Actuarial Rates and Supplementary Medical Insurance Premium Rate Beginning January 1 1991	0938-AE67
1038	Inpatient Hospital Deductible for 1991 and Hospital and SNF Coinsurance Amounts for 1991	0938-AE68
1039	Physician Performance Standard Rate of Increase for Fiscal Year 1991	0938-AE70
1040	Termination of Medicare Coverage of Corrective Eyeglasses for Aphakic Patients With Intraocular or Contact Lenses	0938-AE71
1041	Mid-Year 1990 Legislative Changes to the Inpatient Hospital Prospective Payment System	0938-AE73
1042	Definition of Surgical Services	0938-AE75

Health Care Financing Administration—Completed Actions

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1043	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
1044	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
1045	Medicare Secondary Payer and Medicare Recovery Against Third Parties	0938-AC05
1046	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
1047	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
1048	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
1049	Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy	0938-AD09
1050	Discontinuation of Prevailing Charge Differentials for Specialists	0938-AD26
1051	PRO Disclosure to Licensing and Certification Bodies	0938-AD42
1052	Revision of the Medicare Economic Index	0938-AD43
1053	Update of Ambulatory Surgical Center Payment Rate Methodology	0938-AD44
1054	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates	0938-AD49
1055	Inherent Reasonableness for Home Dialysis Supplies and Equipment	0938-AD74
1056	Medicare Coverage of Screening Mammography	0938-AD88
1057	Coverage of Home Intravenous Drug Therapy Services	0938-AD89
1058	In-Home Care for Chronically Dependent Individuals	0938-AD90
1059	Coverage of Outpatient Prescription Drugs	0938-AD91
1060	Catastrophic Coverage Conforming Amendments	0938-AD93
1061	Payment for Covered Outpatient Drugs	0938-AD99
1062	Payment for Home Intravenous Drug Therapy Services	0938-AE00
1063	Physician Involvement in Physical Therapy and Speech Pathology Services	0938-AE07
1064	Participation Agreements for Pharmacies	0938-AE08
1065	Conditions of Participation for Home Intravenous Drug Therapy Providers	0938-AE09
1066	Outpatient Prescription Drugs: List of Covered Home IV Drugs	0938-AE10
1067	Limitation on Out-of-Pocket Cost-Sharing Expenses for Covered Medicare Part B Services	0938-AE13
1068	Inpatient Hospital Deductible for 1990	0938-AE19
1069	Part A Premium for the Uninsured Aged for 1990	0938-AE20
1070	Monthly Actuarial Rates and Part B Premium Rates Beginning 1/1/90	0938-AE21
1071	SNF Coinsurance Amount for 1990	0938-AE22
1072	General Performance Standards for Drug Bill Processors Under Contract	0938-AE27
1073	Demonstration Project To Develop a Uniform Cost Reporting System for Hospitals	0938-AE32
1074	Correction and Reduction Plans for Intermediate Care Facilities for the Mentally Retarded	0938-AE41
1075	Organ Procurement and Transplantation Network Rules and Membership Actions	0938-AE42
1076	Coverage of Catastrophic Part B Expenses for Beneficiaries Enrolled in Prepaid Health Care Organizations	0938-AE43
1077	Drug Deductible and Respite Care for Prepaid Plan Enrollees	0938-AE46

HHS

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1078	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
1079	Distribution of Child Support Collections	0970-AA18
1080	Alien Verification Procedures for AFDC, State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41
1081	Immediate Wage Withholding, Review and Modification of Orders, and Monthly Notice of Support Collections	0970-AA63
1082	Related AFDC Amendments under the Family Support Act of 1988	0970-AA69
1083	Disregard of Bona Fide Loans, Student Assistance/Higher Education Technical Amendments of 1987, Compensation/Civil Liberties Act of 1988, Disaster Relief/Emergency Assistance Amendments of 1988	0970-AA70
1084	Amendments to the State Legalization Impact Assistance Grant (SLIAG) Regulation	0970-AA73
1085	Revisions to Audit Regulations as a Result of the Child Support Provisions of the Family Support Act of 1988	0970-AA74
1086	Omnibus Budget Reconciliation Act of 1987	0970-AA75
1087	Fees for use of the Federal Parent Locator Service in Non-AFDC Cases	0970-AA78
1088	Amendments to the State Legalization Impact Assistance (SLIAG) Regulation	0970-AA79
1089	Mandatory Automated Child Support Enforcement Systems	0970-AA80
1090	Implementation of Quality Control Provisions of the Omnibus Budget Reconciliation Act of 1989	0970-AA82
1091	Automobile Exclusion Limit	0970-AA83
1092	Emergency Assistance	0970-AA84

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1093	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
1094	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions	0970-AA47
1095	Cooperation to Pursue Third Party Health Coverage	0970-AA49
1096	Pre-eligibility Fraud Detection Measures	0970-AA56
1097	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0970-AA58
1098	Services to Post-AFDC and Medicaid only families	0970-AA61
1099	$50 Disregard, Paternity Establishment and Mandatory Guidelines	0970-AA64
1100	Aid To Families With Dependent Children - Job Opportunities and Basic Skills Training Program, Program Participant Employment Protection	0970-AA67
1101	Computer Matching And Privacy Protection Act Provisions	0970-AA81

Family Support Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1102	Scope of Payments	0970-AA00
1103	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
1104	Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
1105	Aid to Families with Dependent Children Program; General Administration—Public Assistance Program—Quality Control System	0970-AA11
1106	Child Support Enforcement Audit Regulations	0970-AA17
1107	Automated Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0970-AA59
1108	Child Support Program; State Plan Requirements	0970-AA66
1109	Job Opportunity and Basic Skills (JOBS) Training Program	0970-AA68

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Office of the Secretary (OS)

727. REVISIONS TO "QUALITY OF CARE" EXCLUSION AND PAYMENT DENIAL REGULATIONS

Legal Authority: 42 USC 1320a-7(b)(6)(B); 42 USC 1320c-3(a)(2); 42 USC 1320c-5

CFR Citation: 42 CFR 1001; 42 CFR 1004; 42 CFR 466

Legal Deadline: None

Abstract: This rulemaking would revise and consolidate, where feasible, the principal regulations pertaining to "quality of care" exclusions from Medicare and other health care programs. Such exclusions may be based on the furnishing of excessive services, the failure to furnish care that meets professionally recognized standards of medical care, or the failure to properly document medical services. This rulemaking would attempt to make the various OIG regulations relating to such quality of care exclusions consistent with each other, consistent with HCFA's PRO payment denial regulations at 42 FR 466, and consistent with the case law that has been decided in the U.S. Courts of Appeals in recent years.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

728. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: OMB is considering revisions to Circular A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234) as well as a complete rewrite of A-87. This action should conform to those revisions also.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Office of Grant & Contract Financial Mgmt., Rm 513D, HHH Bldg, 200 Independence Ave. SW., Washington, DC 20201, 202 245-0481

RIN: 0991–AA12

729. CIVIL MONEY PENALTIES AND SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411; PL 101-239, Sec 6411

CFR Citation: 42 CFR 1003; 42 CFR 417; 42 CFR 434

Legal Deadline: None

Abstract: This proposed rule would broaden the Secretary's authority to impose intermediate sanctions and civil money penalties against eligible organizations that substantially fail to provide Medicare or Medicaid enrollees with required medically necessary items and services, or that practice certain marketing, enrollment, reporting or claims payment abuses.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This joint OIG/HCFA proposed rule is being revised as a result of broadened CMP and sanction authorities contained in PL 100-203, in addition to a technical amendment contained in PL 100-360.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA44

730. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-501, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

HHS—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The effective date for implementing regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans has been delayed to 4/1/91 by P.L. 101-239, Sec 6207. This provision will be addressed through separate rulemaking at a later date.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA45

731. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411; PL 101-239, Sec 6411(d)

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 18, 19, and 20.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12205
NPRM Comment Period End	06/01/90	55 FR 12205

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: Final regulations will incorporate the fraud and abuse technical amendments contained in PL 101-239, Section 6411(d). Those authorities (1) permit Medicare/Medicaid exclusions of providers who have lost the right to apply for or renew a license for reasons related to competence, performance or financial integrity; and (2) prohibit HMOs with risk-sharing contracts or Medicaid prepaid plans from employing or contracting with certain individuals and entities excluded under specified circumstances.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA47

732. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington DC 20201, 202 472-5270

RIN: 0991–AA51

733. CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs against individuals or entities who knowingly and willfully use misleading and fraudulent practices in the advertisement, solicitation, offering for sale, or delivery of Medicare supplemental health insurance (Medigap) policies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA53

734. BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirements for several of the Department's block grants. This notice would propose regulatory changes to reflect these statutory changes and to clarity certain other block grant regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
NPRM Comment Period End	07/01/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Research Evaluation & Special, Analyses, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, SW., Washington, DC 20201, 202 245-7316

RIN: 0991–AA55

735. STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9338; PL 100-203, Sec

4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 200-360, Sec 202

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking would standardize the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act. In addition to standardizing OIG's existing CMP procedures, this rule would include provision for CMPs and related exclusions for various Medicare Part B violations resulting from OBRA '86, OBRA '87 and PL 100-360, including (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant; (2) non-participating physicians billing for actual charges above permitted charges; and (3) certain instances of failure to provide appropriate diagnostic codes with a request for payment for an item or service provided by a physician.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule is being revised to incorporate RIN entry 0991-AA46.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 2020l, 202 472-5270

RIN: 0991–AA57

736. CONTRACT AUDIT POLICY

Legal Authority: PL 94-505

CFR Citation: 45 CFR 66 (New)

Legal Deadline: None

Abstract: This proposed rule would require that audit services performed under contract by non-Federal auditors for DHHS be in compliance with the government auditing standards issued by the Comptroller General. The purpose of this rulemaking is to fulfill the responsibility of the OIG to ensure that all audits of programs and operations of the Department meet the government auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA59

737. REVISIONS TO THE PRO SANCTIONS NOTIFICATION PROCESS

Legal Authority: 42 USC 1320c-5(b)(2)

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This rule would provide for an alternative to the method of public notice currently used by the OIG in informing the general public of its decision to sanction a practitioner or other person under section 1156 of the Social Security Act as a result of a PRO recommendation. The rule would allow each sanctioned physician or other provider an opportunity to elect to inform each of his or her patients of the sanction action rather than having the OIG provide notice to the general public by publishing a notice in a newspaper.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA60

738. ADMINISTRATIVE IMPROVEMENTS, REPORTING REQUIREMENTS AND OTHER TECHNICAL CHANGES FOR STATE MEDICAID FRAUD CONTROL UNITS

Legal Authority: 42 USC 1396b(a)(6); 42 USC 1396b(b)(3); 42 USC 1396b(q)

CFR Citation: 42 CFR 1002

Legal Deadline: None

Abstract: This proposed rule would amend the current regulations governing the operation and funding of Medicare Fraud Control Units by (1) clarifying the full-time employee rule; (2) providing staffing enhancements; (3) notifying units that the OIG may use performance indicators as one measure to evaluate units for recertification; (4) requiring units to refer cases to the OIG; (5) setting forth a 12-month consequence for denial of recertification; and (6) clarifying Federal Financial Participation for fraud detection activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of the Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20202, 202 472-5270

RIN: 0991–AA62

739. ● CIVIL MONEY PENALTIES FOR FAILURE TO IDENTIFY MEDICARE SECONDARY PAYER SITUATIONS

Legal Authority: PL 101-239, Sec 6202

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This rule would set forth a civil money penalty against any employer who willfully and repeatedly failed to provide a timely and accurate response regarding inquiries on what period an employee, or the employee's spouse, may be covered under a health plan and the nature of that coverage.

HHS--OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
NPRM Comment Period End	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General,AO, 330 Independence Ave., S.W. Washington, DC, 202 472-5270

RIN: 0991–AA64

740. ● ADDITIONAL SAFE HARBOR PROVISIONS UNDER THE OIG ANTI-KICKBACK STATUTE

Legal Authority: PL 100-92, Sec 2; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule is designed to set forth an expanded listing of safe harbor provisions as authorized under Section 14 of PL 100-93. This new listing of proposed safe harbors delineate additional payment and business practices under Medicare and state health care programs that would not be considered kickbacks for purposes of criminal prosecution or civil remedies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Wash., DC, 202 472-5270

RIN: 0991–AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Final Rule Stage

741. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Interim Final Rule	06/30/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, Room 5411, Cohen Bldg, 300 Independence Ave, SW., Washington, DC 20201, 202 245-6700

RIN: 0991–AA02

742. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	44 FR 14582
NPRM	12/21/79	44 FR 75676
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly Recurring Cost: $6,000

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW., Room 5411, Washington, DC 20201, 202 245-6700

RIN: 0991–AA22

743. AUDITS OF NON-GOVERNMENTAL GRANTEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement OMB Circular A-133 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university and other non-profit recipients of Federal grants and contracts. The Circular and these amendments will replace the audit

requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: It is expected that OMB which published a draft of its Circular in the Federal Register and obtained public comments will soon issue this Circular. The specific form and nature of our action is dependent upon actions to be taken by OMB. It is possible that A-133 may be implemented as part of the current revision of the A-102/A-110 Common Rule-45 CFR Part 92. If so there may be no need for this action.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Washington, DC 20201, 202 245-0481

RIN: 0991–AA29

744. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA37

745. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This final rule establishes civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA40

746. OIG ANTI-KICKBACK PROVISIONS

Significance: Regulatory Program

Legal Authority: PL 100-93, Sec 2; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This final rule will specify payment practices which, although potentially capable of inducing referrals of business under Medicare, are not to be considered kickbacks for purposes of criminal or civil remedies.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38794
ANPRM Comment Period End	12/18/87	
NPRM	01/23/89	54 FR 3088
NPRM Comment Period End	03/24/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The review of public comments have warranted consideration of additional "safe harbor" provisions. These additional "safe harbors" will be addressed separately under a new notice of proposed rulemaking.

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA49

747. CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

Legal Authority: PL 100-360, Sec 428(a)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish civil money penalties for the unauthorized use, in advertising or solicitation, of certain words letters, symbols or emblems associated with the Department or its programs in a manner that would convey an impression that an item or service was approved, endorsed or authorized by HHS.

Timetable:

Action	Date	FR Cite
NPRM	02/06/90	55 FR 3986
NPRM Comment Period End	03/23/90	55 FR 3986
Final Action	00/00/00	

HHS—OS

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, SW., Washington, DC 20201, 202 472-5270

RIN: 0991–AA54

748. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: Fiscal and Administrative requirements governing grants and cooperative agreements to non-governmental recipients are presently codified in an HHS-specific regulation (45 CFR Part 74). This rule would move those requirements (with many changes and additions) to a new rule (45 CFR Part 92) that would be virtually identical to the rules of 26 other federal agencies. The same action would also create a mechanism for applying a new set of liberalized rules to research grants. Since all Federal agencies' grants and cooperative agreements would henceforth be subject to identical rules, there should be administrative benefits for multi-award recipients and better understanding of the terms and conditions of awards.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 23729
ANPRM Comment Period End	08/23/87	
NPRM	11/04/88	53 FR 44715
NPRM Comment Period End	01/03/89	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Beverly Cordova, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue, SW., Washington, DC 20201, 202 245-0377

RIN: 0991–AA56

749. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 84.23

Legal Deadline: None

Abstract: Substituting a reference to the Uniform Federal Access Standards (UFAS) for the reference to standards promulgated by the American National Standards Inc., a nongovernmental organization.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9965
NPRM Comment Period End	05/08/89	54 FR 9965
Final Action	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: This amendment to the regulation is being managed by the Department of Justice because it involves 15 Departments and Agencies. The Department of Justice is formulating the text of the final rule, will submit that text to the fifteen Departments and Agencies for clearance, and then arrange publication in the Federal Register. The Department of Justice anticipates submitting the regulation for agency clearance in March.

Agency Contact: Frank E.G. Weil, Chief, Policy Branch, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Room 5411, Cohen Bldg., Washington, DC 20201, 202 245-6709

RIN: 0991–AA63

750. ● CIVIL MONEY PENALTIES FOR PHYSICIAN OWNERSHIP OF, AND REFERRAL TO CERTAIN HEALTH CARE ENTITIES

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 6204

CFR Citation: 42 CFR 1003

Legal Deadline: Final, Statutory, October 1, 1990.

Abstract: This rule will establish new civil money penalty authorities regarding prohibited physician ownership and referral arrangement as set forth in Section 1877 of the Social Security Act.

Timetable:

Action	Date	FR Cite
Final Action	10/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Ofice of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Washington, DC20201, 202 472-5270

RIN: 0991–AA65

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Office of the Secretary (OS)

751. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR VARIOUS MEDICARE PART B VIOLATIONS RESULTING FROM OBRA 1986, OBRA 1987 AND PL 100-360

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Completed:

Reason	Date	FR Cite
Merged with RIN 0991-AA57	02/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Joel Jay Schaer 202 472-5270

RIN: 0991–AA46

752. CIVIL MONEY PENALTIES AND SANCTION AUTHORITIES RELATING TO THE MEDICARE CATASTROPHIC COVERAGE PROVISIONS

CFR Citation: 42 CFR 1001; 42 CFR 1003

Completed:

Reason	Date	FR Cite
Merged with RIN 0991-AA46.	01/19/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer 202 472-5270

RIN: 0991–AA52

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Departmental Management (HHSDM)

753. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra H. Shapiro, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201, 202 475-0150

RIN: 0990–AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Departmental Management (HHSDM)

754. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN PROCEEDINGS WHERE THE UNITED STATES IS NOT A PARTY

Significance: Agency Priority

CFR Citation: 45 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	02/09/90	55 FR 4610

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sandra H. Shapiro 202 475-0150

RIN: 0990–AA03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of Human Development Services (HDSO)

755. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act. The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record

compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jeff Rosenberg, Special Assistant to the Commissioner, Admin. for Children, Youth, and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0618

RIN: 0980–AA08

756. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process and reduce costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA20

757. HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Significance: Regulatory Program

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA27

758. HEAD START: GRANTS ADMINISTRATION

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: The Head Start Bureau will propose amendments to 45 CFR 1301.32 to provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs. The rule will also clarify that training and technical assistance funds awarded to a grantee are included in the total costs of the program and must be matched at the 20 percent match rate as required by statute.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA32

759. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The NPRM will propose to establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA33

760. ADOPTION AND FOSTER CARE INFORMATION

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: NPRM, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Administration, for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0370

RIN: 0980–AA35

761. SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION

Legal Authority: 42 USC 1397 to 1397e

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: The final rule will specify procedures and uniform definitions of

services for use by States in preparing in their annual reports to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	04/05/90	55 FR 12678
NPRM Comment Period End	06/04/90	55 FR 12678
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hartnett, Deputy Director, Office of Policy, Planning and Legislation, Department of Health and Human Services, Office of Human Development Services, 200 Independence Avenue, SW., Room 312-F, Washington, DC 20201, **202 245-7027**

RIN: 0980–AA42

762. ● REQUIREMENTS APPLICABLE TO TITLE IV-E FOSTER CARE AND TITLE IV-B CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq; 42 USC 620 et seq

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: The Department plans to issue a Notice of Proposed Rulemaking in order to publish in regulation the following: (1) regulatory changes related to the judicial determination requirement for reasonable efforts to prevent removal and to reunify the foster child with his parents; (2) a limitation on the documentation used to verify title IV-E eligibility and State compliance with section 427 of the Social Security Act; and (3) a regulatory change from current policy regarding what constitutes a child's home/foster home for the purpose of title IV-E eligibility which will provide for equitable treatment of relative and non-relative foster care providers.

Timetable:

Action	Date	FR Cite
NPRM	07/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Admin for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, **202 245-0370**

RIN: 0980–AA44

763. ● RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: This NPRM will propose a revision of the existing definition of "temporary shelter" to increase the maximum number of days a runaway or homeless youth may receive continuous shelter from an entity receiving a Basic Center grant under Part A of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Carol Behrer, Associate Commissioner, Admin for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, **202 245-0102**

RIN: 0980–AA45

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Office of Human Development Services (HDSO)

764. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1302

Legal Deadline: None

Abstract: The current rule applies primarily to the initial section of a grantee. The final rule will better accommodate a wider variety of competitive situations and add new criteria to address the selection of new grantees.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39018
NPRM Comment Period End	11/21/89	
Final Action	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, **202 245-0569**

RIN: 0980–AA17

765. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

Abstract: The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment Period End	02/21/89	
Final Action	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O.

HHS—HDSO

Final Rule Stage

Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA18

766. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1308

Legal Deadline: None

Abstract: The final rule will establish a new part 1308 setting forth performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment Period End	01/19/89	53 FR 47235
Final Action	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA21

767. CHILD ABUSE AND NEGLECT: TECHNICAL AMENDMENTS

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: Technical and conforming changes will be made in 45 CFR 1340 to implement statutory changes made by the recent reenactment of the Child Abuse Prevention and Treatment Act.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11246
NPRM Comment Period End	05/16/89	
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Josephine Reifsnyder, National Center on Child Abuse and Neglect, Department of Health and Human Services, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182Washington, DC 20013, Washington, 646, 202 245-0586

RIN: 0980–AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

768. RUNAWAY AND HOMELESS YOUTH PROGRAM

CFR Citation: 45 CFR 1351

Completed:

Reason	Date	FR Cite
Final Action	02/16/90	55 FR 5601
Final Action Effective	05/15/89	55 FR 7967

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Carol Behrer 202 245-0102

RIN: 0980–AA11

769. DEVELOPMENTAL DISABILITIES PROGRAM

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Completed:

Reason	Date	FR Cite
Final Action	11/20/89	54 FR 47982
Final Action Effective	12/20/89	54 FR 47982

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Will Wolstein 202 245-2890

RIN: 0980–AA36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

770. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. Because of the advances in medical technologies and practice in this area we are revising the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AA99

771. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 3.00 and 103.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB00

772. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB01

773. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate windfalls that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-8471**

RIN: 0960–AB38

774. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1501; 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1577; 20 CFR 416.901; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 404.1523; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. When the combined effect is found to be severe, the person's impairments are evaluated throughout

the full sequential evaluation process. We are revising the regulations to explain in greater detail how we consider the combined effect of multiple impairments and what we mean by a severe impairment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 08726
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960–AB39

775. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will incorporate into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8470

RIN: 0960–AB73

776. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L. 97-458, enacted January 12, 1983, which provides that Indian judgment funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income program (2) Pub. L. 98-64, enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L. 100-241, enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation. Some savings in program costs may result from these changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8470

RIN: 0960–AB86

777. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EVALUATION CRITERIA FOR IMMUNE SYSTEM DISORDERS, INCLUDING HIV INFECTION (ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)/AIDS-RELATED COMPLEX)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Sections 10.00 and 110.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe immune system disorders which are severe enough to prevent a person from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing to add the criteria for evaluation of AIDS to these sections. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 695-1759

RIN: 0960–AC06

778. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Significance: Agency Priority

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404D

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within

a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program," "court of law," and "reasonable time," for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC16

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779. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Significance: Agency Priority

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 4

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Supplemental Security Income status for Medicaid purposes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC22

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780. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be $2 million per year in program costs and less than $1 million and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC28

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781. SUPPLEMENTAL SECURITY INCOME PROGRAM; PARENT-TO-CHILD DEEMING

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1382(a); 42 USC 1382c(f)

CFR Citation: 20 CFR 416.1165

Legal Deadline: None

Abstract: Under the current SSI rules, three different formulas are used to calculate the amount of income deemed to an eligible child from his or her ineligible parent(s) when they are living together. The formulas produce different results depending on the type of income (earned versus unearned) and the number of children in the household. This sometimes creates anomalies. The rule would resolve the anomalies by providing that one formula be used regardless of the type of parental income. The formula to be used is the formula now used when the parent(s) has both earned and unearned income.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC38

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782. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations would place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency would be required to limit

the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC41

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783. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated since these proposed regulations will codify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC42

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784. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations would reflect recently enacted statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agricultural labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors' income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, a recently enacted statutory provision (section 8017 of PL 100-647) further revised our coverage provisions relating to agricultural wages.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC45

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785. SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

Legal Authority: 42 USC 1302; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

Legal Deadline: None

Abstract: These proposed rules reflect sec. 9110 of Pub.L. 100-203. They extend Interim Assistance Reimbursement to cases in which assistance is provided by a State while an individual's Supplemental Security Income (SSI) payments are suspended or terminated and then subsequently reinstated. Current regulations provide for reimbursement to a State only for interim assistance payments made while an individual's initial application for SSI is pending. No additional program costs are anticipated since the amount reimbursed to the State is later deducted from the individual's SSI payments.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4438
NPRM Comment Period End	04/19/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC51

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786. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

Legal Authority: PL 100-203, Sec 9120

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Legal Deadline: None

Abstract: The regulation reflects the provisions of section 9120 of Pub. L.

100-203 by providing that payments to an individual (including gifts and inheritances) occasioned by the death of another person are not considered income for Supplemental Security Income purposes to the extent that such payments are expended by such individual for purposes of the deceased person's last illness and burial. Also, the regulations propose a policy change to not consider the same payments as resources for one month following receipt. Any increased costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8470

RIN: 0960–AC52

787. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR CERTAIN PERSONS INSTITUTIONALIZED

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 410; 20 CFR 416.412; 20 CFR 416.640; 20 CFR 416.1147

Legal Deadline: None

Abstract: These amendments would require continued payment based on the full payment rate to certain persons eligible for SSI payments under Section 1619 or 1611 of the Act who enter certain medical or psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960–AC55

788. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule would change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses would be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who would be affected by these proposed changes any additional program costs would be negligible.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960–AC57

789. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.455

Legal Deadline: None

Abstract: We have learned that old-age and survivors' insurance beneficiaries whose estimate of earnings for the current year is more than the exempt amount for that year, but is equal to or less than the prior year's earnings, tend to underestimate or fail to report their work for the next year which results in overpayments. We are proposing an addition to the current regulation which will clarify that our interpretation of Section 203(h)(3) and (h)(4) of the Social Security Act permits SSA to request estimates of earnings for the next taxable year as well as the current taxable year. If a beneficiary does not furnish the requested future year's earnings estimate, we will use the estimate for the current year to determine whether to withhold benefits for the next year. We estimate savings of $3.5 million per year.

Timetable:

Action	Date	FR Cite
NPRM	02/21/90	55 FR 6010
NPRM Comment Period End	04/23/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC58

790. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF PARTIES - SUSPENSION AND DISQUALIFICATION OF REPRESENTATIVES

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 1302; 42 USC 1383(d)

CFR Citation: 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1760; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1560; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

Legal Deadline: None

Abstract: This proposal amends the regulations to provide that when it appears that a person who represents claimants in dealing with the Social Security Administration (SSA) has violated one of our rules, the SSA's Associate Commissioner for Hearings

and Appeals, or his or her designee, will initiate proceedings to suspend or disqualify the representative. Under the existing regulations the Office of Retirement and Survivors Insurance performed this function.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	55 FR 3410
NPRM Comment Period End	04/02/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1796**

RIN: 0960–AC59

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791. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE

Significance: Regulatory Program

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC60

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792. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL FACTORS REGULATIONS RESTRUCTURING AND CLARIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1550 to 1567; 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.950 to 967

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC61

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793. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES AND EXCLUSIONS; DEFINITION OF RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None

Abstract: This proposed change would exclude from the definition of resources, in the Supplemental Security Income program, for one calendar month following the month of receipt, certain cash payments made to an ineligible spouse or parent for providing medical or social services to the eligible individual. Current rules exclude such amounts paid to the eligible individual for one calendar month following the month of receipt. This proposal would broaden the exclusion to include similar payments made to certain other individuals whose income and resources are deemed available to the SSI recipient.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC66

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794. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM, AND ORGANIZATION AND PROCEDURES; REQUIREMENT OF SOCIAL SECURITY NUMBER AS A CONDITION FOR RECEIPT OF BENEFITS

Legal Authority: 42 USC 405(c)(2)(E); PL 100-647, Sec 8009

CFR Citation: 20 CFR 404.469

Legal Deadline: None

Abstract: This regulation reflects a section of PL 100-647 which requires, as a condition for receipt of Social Security benefits, that a person must either furnish to the Social Security Administration his or her Social Security number or apply for a number.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC67

795. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUSPENSION OF BENEFITS OF DEPORTED NAZIS; EXEMPTION FROM SOCIAL SECURITY TAXATION BECAUSE OF RELIGIOUS BELIEFS

Legal Authority: PL 100-647, Sec 8004; PL 100-647, Sec 8007; 42 USC 402(n)(3); 42 USC 402(v)

CFR Citation: 20 CFR 404.464; 20 CFR 404.1012; 20 CFR 404.1039 (New)

Legal Deadline: None

Abstract: This regulation reflects the provisions of two sections in PL 100-647. The first provision requires the Social Security Administration to deny or terminate benefits if the beneficiary is deported (or ordered deported) because of certain actions performed while associated with the Nazi government of Germany or one of its allies. The second provision extends the current law treatment of self-employed workers who may claim an exemption from Social Security coverage if they are members of a religious faith that is opposed to participation in Social Security programs to their employees in cases where both the employee and the employer are members of a qualifying religious faith.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1795

RIN: 0960–AC68

796. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1382c

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: These proposed amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income disability programs. The proposed revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC74

797. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INTERIM DISABILITY BENEFITS

Legal Authority: 42 USC 423(h); 42 USC 1383(a); PL 100-647, Sec 8001

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These regulations implement a section of PL 100-647 that authorizes interim benefit payments whenever an Administrative Law Judge (ALJ) decides that a claimant is entitled to benefits based on disability or blindness and the Secretary has not issued his final decision within 110 days after the date of the ALJ's determination.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1795

RIN: 0960–AC76

798. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDETERMINATIONS OF SUPPLEMENTAL SECURITY INCOME ELIGIBILITY

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382(c); 42 USC 1382h(a); 42 USC 1383

CFR Citation: 20 CFR 416.204

Legal Deadline: None

Abstract: We propose to amend our regulations on redeterminations of Supplementary Security Income eligibility. Our current policy does not include in the redetermination period the month of eligibility, the month of application, or the month of the last redetermination or eligibility update. The redeterminations omit these months and, as a result, we do not have an accounting of all living arrangements, income, and resources for the period of eligibility. We propose to change our policy to include in the redetermination period the month of eligibility, month of application, or month of eligibility update for the first redetermination and the month of the last redetermination for subsequent redeterminations. However, for redeterminations that have a period of review that extends beyond the rules of administrative finality, we propose to limit the verification of retroactive information on factors of eligibility to no more than what the rules of administrative finality allow.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8470

RIN: 0960–AC77

799. ● DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION; BLOOD DONOR LOCATOR SERVICE

Significance: Regulatory Program

Legal Authority: PL 100-647, Sec 8008; 42 USC 405(c)(2)(D); 42 USC 1320b

CFR Citation: 20 CFR 401.205; 20 CFR 401.600

Legal Deadline: None

Abstract: We are issuing these rules to govern the Blood Donor Locator Service, which we will establish and conduct, as required by section 8008 of P.L. 100-647. Under these rules, we will furnish to participating States, at their request, the last known personal mailing address (residence or post office box) of blood donors whose blood donation shows that they are or may be infected with the human immunodeficiency virus which causes acquired immune deficiency syndrome, if the State or an authorized blood donation facility has been unable to locate the donors. If our records or those of the Internal Revenue Service contain an adequate personal mailing address for the donor, we will provide it to the State so that the State or the blood donation facility can inform the donor of the possible need for medical care and treatment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	10/00/90	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC79

800. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; MEDICAL IMPROVEMENT REVIEW STANDARD (MIRS)—MISCELLANEOUS CHANGES

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1579; 20 CFR 404.1594; 20 CFR 404.1598; 20 CFR 416.994

Legal Deadline: None

Abstract: These proposed regulations will make no policy changes but are needed to make a number of technical corrections to our existing regulations pertaining to how we decide whether disability continues or ends.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC81

801. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1382b

CFR Citation: 20 CFR 416.1123

Legal Deadline: None

Abstract: These proposed regulations describe the treatment of augmented benefits by the SSI program. Augmented benefits are those that are increased because the recipient has dependents.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC82

802. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM; FULL-TIME ATTENDANCE BY ELEMENTARY OR SECONDARY SCHOOL STUDENT

Legal Authority: 42 USC 402(d)(7)(A)

CFR Citation: 20 CFR 404.367

Legal Deadline: None

Abstract: To be considered in "full-time" attendance under the existing regulations, an elementary or secondary student must be enrolled for at least 20 hours of scheduled school attendance per week. The proposed regulation would modify our policy so that a student who is enrolled for fewer than 20 hours per week may nevertheless be considered in full-time attendance if the student is enrolled for the number of hours per week that is considered by the school to be full time and is precluded by reasons beyond the individual's control from enrolling in a program involving at least 20 or more hours per week.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC83

803. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM; ADMINISTRATIVE WAIVER OF DISADVANTAGEOUS RECOMPUTATIONS

Legal Authority: 42 USC 415(f)(2)(A)

CFR Citation: 20 CFR 404.285; 20 CFR 404.287

Legal Deadline: None

Abstract: The Social Security Administration automatically recomputes the primary insurance amount of a beneficiary who has wages or self-employment income for a given year. Generally, recomputations are advantageous to workers and their families because benefits are increased. However, there are unusual situations where benefits are decreased as a result of a recomputation. Under current regulations, we process the recomputation and notify the beneficiary of the decrease in benefits, but will automatically withdraw the recomputation if the beneficiary so requests in writing. We propose to revise the regulations to waive administratively a disadvantageous recomputation and notify the beneficiary of that action and that he or she may nevertheless request that the recomputation be processed if he or she so desires.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC84

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804. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF CLAIMANTS FOR BENEFITS UNDER TITLE II OR TITLE XVI

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10307

CFR Citation: 20 CFR 404.1705; 20 CFR 416.1505

Legal Deadline: None

Abstract: These proposed regulations will provide for the establishment, in an electronic information retrieval system, of a current record of persons representing claimants for Social Security benefits. The regulations will also provide that information regarding the options for obtaining an attorney and the availability of legal services organizations will be included with the notice sent to claimants who receive an adverse determination.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC87

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805. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD CAUSE, FAULT, AND GOOD FAITH

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10305

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: This proposed rule will reflect a section of PL 101-239 that requires that we take into account a claimant's physical, mental, educational or language limitations, including any lack of facility with the English language when we make certain determinations involving the claimant's good cause, fault or good faith in taking or not taking certain actions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC88

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806. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM; ELIMINATION OF DEPENDENCY TEST APPLICABLE TO CERTAIN ADOPTED CHILDREN

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10301

CFR Citation: 20 CFR 404.362

Legal Deadline: None

Abstract: This proposed regulation will reflect a section of PL 101-239 that eliminates the special dependency tests for child's insurance benefits in the case of children who are adopted before age 18 by retired or disabled beneficiaries so that these children are treated the same as natural children. This change removes a financial disincentive to adoption and simplifies program administration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC90

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807. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM; CORRECTION OF EARNINGS RECORDS

Significance: Regulatory Program

Legal Authority: PL 101-239, Sec 10304; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: These proposed regulations reflect the Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1989, which permits correction of an earnings record after the 3-year, 3-month, 15-day statute of limitations to credit wages if an employer reported an amount of wages for an employee that is less than the correct amount.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

808. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115

CFR Citation: 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. This regulation's original purpose was to make these rules easier to read and understand. However, these rules also reflect the following statutory enactments: (1) section 3 of Pub. L. 99-643, (2) section 4 of Pub. L. 99-643, (3) section 9103 of Pub. L. 100-203, (4) section 9112 of Pub. L. 100-203, and (5) section 9115 of Pub. L. 100-203.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AA22

809. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB05

810. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Department of Veterans Affairs payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB09

811. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: None

Abstract: The regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB22

812. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME—FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	52 FR 34813
NPRM Comment Period End	11/16/87	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1755**

RIN: 0960–AB29

813. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE AND OTHER CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None

Abstract: These regulations for administering the disability determination function make changes to improve the disability determination process by modifying our State agency monitoring and technical and management assistance procedures, administrative standards, and fiscal, audit, and appeals requirements. They also clarify when we will find that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB36

814. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416E

Legal Deadline: None

Abstract: These rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. The 10 percent requirement will apply only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. The rules, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	03/28/89	54 FR 12649
NPRM Comment Period End	05/30/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986 through FY 1989 - program costs of $18 million per year and administrative costs of $.5 million per year.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AB40

815. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

Legal Deadline: None

Abstract: These regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35516
NPRM Comment Period End	11/14/88	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1759**

RIN: 0960–AB41

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816. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describes the medical criteria that apply only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	08/14/89	54 FR 33238
NPRM Comment Period End	10/13/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB96

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817. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC13

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818. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None

Abstract: This regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4296
NPRM Comment Period End	03/31/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC26

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819. ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: This interim final rule will allow the Social Security Administration to test procedures that will provide an exception to the current requirement that an applicant for a duplicate Social Security number card must submit corroborative evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC32

820. ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: This regulation will reflect the rules on evidence needed for a Social Security number card. It will also reflect the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens who applied for temporary legal resident status. The regulation will also reflect the role of the States in obtaining applications for Social Security number cards from welfare claimants and recipients. The regulation is revenue neutral. Savings result from Agreements with several States that have been entered into under section 205(c)(2)(B)(iii) of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38302
NPRM Comment Period End	11/29/88	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC34

821. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: We are adding a specific listing for catastrophic congenital and acquired abnormalities or diseases, including Down Syndrome, to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide for evaluation of these claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37161
NPRM Comment Period End	12/04/87	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC35

822. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are considering the development of a final rule to provide that we will no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC40

823. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Legal Authority: 42 USC 402(b); 42 USC 402(c); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered employment. The Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits. That requirement is extended to the foreign service pension system by the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also provides that under certain circumstances the reduction does not apply to any individual who retires before his or her coverage election becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51036
NPRM Comment Period End	02/12/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC46

824. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM RESOURCES OF FUNDS SET ASIDE FOR BURIAL AND BURIAL SPACES

Legal Authority: 42 USC 1302; 42 USC 1382b

CFR Citation: 20 CFR 416.1231

Legal Deadline: None

Abstract: We are amending our regulations to reflect the changes made by section 9105 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) and to make other policy changes concerning the treatment of burial spaces and certain funds set aside for burial expenses in the Supplemental Security Income program.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35830
NPRM Comment Period End	11/14/88	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC48

825. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF CERTAIN HOUSING ASSISTANCE PAYMENTS FROM INCOME AND RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1382a(b); 42 USC 1382b(a)

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1210; 20 CFR 416.1236; 20 CFR 416.1238; 20 CFR 416K

Legal Deadline: None

Abstract: This final rule reflects section 8103 of PL 100-647 (Technical Corrections Act of 1988). It adds to Subparts K and L of the Supplemental Security Income (SSI) regulations income and resource exclusions for certain housing assistance payments that were previously excluded under various Federal laws and now are excluded under the Social Security Act for purposes of determining eligibility or payment amount under the SSI program. These exclusions (with the exception of section 202(h) of the Housing Act of 1959) are presently listed in the Appendix to Subpart K, entitled "Lists of Types of Income Excluded Under the SSI Program as Provided by Federal Laws Other than the Social Security Act." The statutes containing the housing assistance exclusions are as follows: (a) The United States Housing Act of 1937; (b) The National Housing Act; (c) Section 101 of the Housing and Urban Development Act of 1965; (d) Title V of the Housing Act of 1949; and (e) Section 202(h) of the Housing Act of 1959. No costs or savings are involved.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC65

826. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CHANGES IN THE ANNUAL EARNINGS TEST

Legal Authority: 42 USC 403(f); PL 100-647, Sec 8002

CFR Citation: 20 CFR 404.430

Legal Deadline: None

Abstract: This regulation reflects a section of PL 100-647 that eliminates the short taxable year in the year of death for purposes of the earnings test and changes the rate for computing excess earnings from 50 percent to 33-1/3 percent for beneficiaries of retirement age.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC69

827. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EFFECT OF PENSIONS FROM NONCOVERED EMPLOYMENT

Legal Authority: 42 USC 415(a)(7); PL 100-647, Sec 8003; PL 100-647, Sec 8011

CFR Citation: 20 CFR 404.213; 20 CFR 404.241

Legal Deadline: None

Abstract: This regulation reflects sections of PL 100-647 that provide for a modified computation of an individual's Social Security benefit where he or she also receives a pension that is based on noncovered employment. The phase-out provisions of the modified computation are extended to include persons with more than 20, but less than 30, years of coverage and at the same time the percentages for each applicable year are increased. The month used in determining the appropriate pension amount in the modified computation is changed from the first month of concurrent eligibility to the first month the individual is concurrently entitled to both Social Security and the monthly pension.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC70

828. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; RULES GOVERNING SOCIAL SECURITY COVERAGE OF FEDERAL EMPLOYMENT

Legal Authority: PL 100-647, Sec 8015; 42 USC 405(p)(1); 42 USC 410(a)(5)

CFR Citation: 20 CFR 404.1018

Legal Deadline: None

HHS—SSA

Final Rule Stage

Abstract: This regulation reflects a section of PL 100-647 which: (1) clarifies that the Secretary is to determine whether Federal service is covered Social Security employment, (2) clarifies the coverage for Social Security purposes of service under the Foreign Service Pension System, and (3) provides that Federal civilian employees who are once covered by Social Security would retain Social Security coverage in any subsequent Federal service.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC71

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829. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SPOUSE'S BENEFITS—SUBSTITUTION OF CERTIFICATE OF ELECTION FOR APPLICATION TO ESTABLISH ENTITLEMENT FOR CERTAIN WIDOW'S/WIDOWER'S BENEFITS

Legal Authority: 42 USC 402(e); 42 USC 402(f); PL 100-647, Sec 8010

CFR Citation: 20 CFR 404.335; 20 CFR 404.336

Legal Deadline: None

Abstract: The regulation implements a section of PL 100-647 under which a certificate of election may be used in place of an application by a person eligible for widow's or widower's benefits where the widow or widower was not yet of retirement age, and was entitled to either retirement or disability benefits and to spouse's benefits in the month before the month of the insured's death.

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC72

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830. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ENTITLEMENT OF A SURVIVING DIVORCED SPOUSE AFTER REMARRIAGE

Legal Authority: 42 USC 402(e); 42 USC 402(f)

CFR Citation: 20 CFR 404.336(e)(4)

Legal Deadline: None

Abstract: This publication will remove from current regulations the requirement that a surviving divorced spouse who has remarried cannot be entitled to Social Security benefits as a widow or widower unless the remarriage occurred after the former spouse died. The regulation reflects the decision of the district court in Pirus v. Bowen, No. CV87-1141-IH (C.D. Cal., Nov. 19, 1987).

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC73

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831. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF AUGMENTED PROTECTED VA BENEFITS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1382b

CFR Citation: 20 CFR 416.1123

Legal Deadline: Other, Judicial, May 21, 1990.
Interim Final Regulation

Abstract: This interim rule will provide that SSA will not count as income to the primary beneficiary under the Supplemental Security Income program that portion of the augmented Department of Veterans Affairs benefit that the veteran, or the veteran's widow, receives on behalf of a dependent. This regulation reflects, in part, the decision of the district court in Anderson v. Sullivan, No. CV-88-036-GF (C.D. Mont., November 21, 1989).

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC86

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Completed Actions

832. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

CFR Citation: 20 CFR 416.1488

Completed:

Reason	Date	FR Cite
Withdrawn	03/13/90	55 FR 9332

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge 301 965-1769

RIN: 0960–AA59

833. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

CFR Citation: 20 CFR 404U; 20 CFR 416F

Completed:

Reason	Date	FR Cite
Final Action	08/28/89	54 FR 35482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge 301 965-1769

RIN: 0960–AA90

834. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

CFR Citation: 20 CFR 404V; 20 CFR 416V

Completed:

Reason	Date	FR Cite
Final Action	03/08/90	55 FR 8449

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler 301 965-1759

RIN: 0960–AB37

835. DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

CFR Citation: 20 CFR 401.315

Completed:

Reason	Date	FR Cite
Regulation Action Discontinued	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar 301 965-1795

RIN: 0960–AB66

836. OASDI & SSI PROGRAMS; OVERPAYMENT AND LIABILITY FOR REPAYMENT OF AN OVERPAYMENT

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a

Completed:

Reason	Date	FR Cite
Final Action	03/01/90	55 FR 7311

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge 301 965-1769

RIN: 0960–AB78

837. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AND ORGANIZATION AND PROCEDURES; APPLICATION OF CIRCUIT COURT LAW

Significance: Agency Priority

CFR Citation: 20 CFR 422E; 20 CFR 404J; 20 CFR 410F; 20 CFR 416N

Completed:

Reason	Date	FR Cite
Final Action	01/11/90	55 FR 01012

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge 301 965-1769

RIN: 0960–AB85

838. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Significance: Agency Priority

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486

Completed:

Reason	Date	FR Cite
Final Action	10/03/89	54 FR 40779

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge 301 965-1769

RIN: 0960–AC07

839. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EMPLOYMENT, WAGES, SELF-EMPLOYMENT, AND SELF-EMPLOYMENT INCOME

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1068; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1070; ...

Completed:

Reason	Date	FR Cite
Final Action	03/01/90	55 FR 7306

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar 301 965-1795

RIN: 0960–AC27

840. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM AND ORGANIZATION AND FUNCTIONS; CORRECTION OF EARNINGS RECORDS

Significance: Agency Priority

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 404.820a; 20 CFR 404.831; 20 CFR 422.125

Completed:

Reason	Date	FR Cite
Regulation Action Discontinued	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger 301 965-8471

RIN: 0960–AC30

841. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Significance: Agency Priority

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Completed:

Reason	Date	FR Cite
Final Action	03/26/90	55 FR 11009

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler 301 965-1759

RIN: 0960–AC31

842. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM COUNTABLE RESOURCES OF THE VALUE OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS

CFR Citation: 20 CFR 416.1212

Completed:

Reason	Date	FR Cite
Withdrawn	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow 301 965-1755

RIN: 0960–AC43

843. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD; AND TRANSFER OF ASSETS FOR LESS THAN FAIR MARKET VALUE

CFR Citation: 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1246

Completed:

Reason	Date	FR Cite
Final Action	03/21/90	55 FR 10415

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton 301 965-8470

RIN: 0960–AC47

844. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN EMERGENCY ADVANCE PAYMENTS

CFR Citation: 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1403

Completed:

Reason	Date	FR Cite
Final Action	02/08/90	55 FR 7411

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Duane Heaton 301 965-8470

RIN: 0960–AC50

845. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SOCIAL SECURITY NUMBERS FOR NEWBORN CHILDREN

Significance: Agency Priority

CFR Citation: 20 CFR 422.103

Completed:

Reason	Date	FR Cite
Final Action	03/01/90	55 FR 7313

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Jack Schanberger 301 965-8471

RIN: 0960–AC56

846. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Regulatory Program

CFR Citation: 20 CFR 404.1597a

Completed:

Reason	Date	FR Cite
Final Action	01/29/90	55 FR 2805

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar 301 965-1795

RIN: 0960–AC62

847. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INCREASE IN SUBSTANTIAL GAINFUL ACTIVITY AND TRIAL WORK PERIOD MONTHLY AMOUNTS

Significance: Regulatory Program

CFR Citation: 20 CFR 404.1574; 20 CFR 404.1592; 20 CFR 416.974

Completed:

Reason	Date	FR Cite
Final Action	12/29/89	54 FR 53600

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler 301 965-1759

RIN: 0960–AC64

848. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS: CATEGORIES OF IMPAIRMENTS; AIDS EXTENSION DATE

CFR Citation: 20 CFR 416.934

Completed:

Reason	Date	FR Cite
Final Action	12/29/89	54 FR 53605

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler 301 965-1759

RIN: 0960–AC75

849. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM; DETERMINING DISABILITY AND BLINDNESS; EXTENSION OF EXPIRATION DATE FOR CARDIOVASCULAR SYSTEM LISTING

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1500

Legal Deadline: None

Abstract: This regulation extends the expiration date of current cardiovascular listings from December 6, 1989 to June 5, 1991, to give SSA enough time to issue revised cardiovascular listings in final form.

Timetable:

Action	Date	FR Cite
Final Action	12/05/89	54 FR 50233

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC78

850. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; JOB PLACEMENT AND RETENTION SERVICES PROVIDED BY A VRA AS A CONDITION FOR PAYMENT

Legal Authority: 42 USC 421; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404.2103; 20 CFR 404.2108; 20 CFR 404.2109; 20 CFR 404.2112; 20 CFR 416.2203; 20 CFR 416.2208; 20 CFR 416.2209; 20 CFR 416.2212

Legal Deadline: None

Abstract: The proposed regulations would provide that a State vocational rehabilitation agency, as a condition for receiving payment for VR services provided to an individual, must have also provided job placement and retention services to that individual.

Timetable:

Action	Date	FR Cite
Regulation Action Discontinued	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC80

851. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; REGULATIONS TO REFLECT NOTICE REQUIREMENTS OF THE COMPUTER MATCHING AND PRIVACY ACT OF 1988

Legal Authority: 42 USC 1302; 42 USC 1383; PL 100-503

CFR Citation: 20 CFR 416.203; 20 CFR 416.558; 20 CFR 416.714; 20 CFR 416.1336; 20 CFR 416.1404

Legal Deadline: None

Abstract: The Computer Matching and Privacy Protection Act of 1988 requires the Social Security Administration to revise the way in which it uses data obtained from other agencies by a computer match. If the data would cause us to take an adverse action against an individual, we must notify him/her of our findings (the data and its source), and defer the adverse action for 30 days to give him/her the opportunity to challenge the accuracy of the data. We will amend the Supplemental Security Income regulations to reflect these new notice requirements and timeframes for taking any actions adverse to the recipients.

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC85

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

852. WAIVERS TO REQUIREMENT THAT STATES SPEND AT LEAST A CERTAIN PORTION OF STATE BLOCK GRANT FUNDS FOR NEW MENTAL HEALTH SERVICES AND PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Section 2027 of Public Law 100-690 amends Section 1916 of the PHS Act to set a floor on the amount States must spend each year beginning in FY 1991 from Alcohol and Drug Abuse and Mental Health Services Block Grant funds for new mental health services and programs. However, the Secretary may grant any State that he determines to be in a financial crisis a waiver lowering that floor by up to a certain amount. The Act requires that such determinations be based on standards published in regulations. Issues to be resolved in regulations include: (a) how to determine when a State is in a financial crisis; (b) what information States must provide to assure that a waiver is needed to avoid disruption to existing and planned high priority services; (c) how to determine the extent of relief to be granted for approved waivers; and (d) imposing requirements that are cost effective.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sandra Garcia, Regulations Officer, Department of Health and Human Services, Public Health Service, Rm. 12C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-4640**

RIN: 0905–AC99

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

853. NIOSH REVISION OF TESTS AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 842(h); 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR Part 84 was published in the Federal Register on August 27, 1987 (52 FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	04/00/90	
Second NPRM Comment Period End	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $14,000,000; Yearly Recurring Cost: $14,000,000; Base Year for Dollar Estimates: 1991

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: Yearly recurring cost to public will drop from $14,000,000 to $6,400,000 in year six and all following years.

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D36, Atlanta, GA 30333, **404 639-3901**

RIN: 0905–AB58

854. INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN AN ETIOLOGIC AGENT

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 264; 42 USC 271

CFR Citation: 42 CFR 72

Legal Deadline: None

Abstract: The revised regulation will clarify the requirements for packaging and shipping material containing etiologic agents. Some users have had difficulty applying the current regulation, particularly with respect to the definition of material covered. The revised regulation is not expected to have a major impact on the cost of shipping these materials and is expected to result in increased conformance so that those handling such packages will have an even lower probability of exposure to potentially infectious material.

Timetable:

Action	Date	FR Cite
NPRM	03/02/90	55 FR 7678
NPRM Comment Period End	05/09/90	55 FR 7678

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael P. Kiley, Ph.D., Chief, Biosafety Br., Off./Hlth. & Safety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE., Atlanta, GA 30333, **404 639-3883**

RIN: 0905–AC89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

855. SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The 90-day comment period was extended to 180 days. Public and internal comments are currently being processed.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9181
Public Hearing	04/17/89	54 FR 11547
NPRM Comment Period End	08/29/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600

HHS—PHS—CDC **Final Rule Stage**

Clifton Road, Atlanta, GA 30333, **404 639-1880**

RIN: 0905–AC83

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) **Prerule Stage**
Public Health Service (PHS)—Food and Drug Administration (FDA)

856. DRUG EXPORTS

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendments, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite
Guidance Materials	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wayne Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC44

857. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Agency Priority

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the Federal Register of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Notice - Request for Comments; NFPA Petition	01/31/90	55 FR 3266
Notice - Comment Period Ends	04/02/90	55 FR 3266
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the Federal Register of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements. On January 31, 1990 (55 FR 3266), FDA requested

HHS—PHS—FDA **Prerule Stage**

comments on a petition received from the National Food Processors Association (NFPA) to initiate a new action to revise 21 CFR 102.33. The comment period closed on April 2, 1990.

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW., Washington, DC 20204, **202 485-0229**

RIN: 0905–AC48

858. COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4874**

RIN: 0905–AC72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage
Public Health Service (PHS)—Food and Drug Administration (FDA)

859. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AA73

860. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review
- NPRM 02/00/91
- Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review
- NPRM 12/24/85 (50 FR 52602)
- Comment Period Ends 03/24/86 (50 FR 52602)
- Final Action 03/00/91

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AA75

861. NEW ANIMAL DRUG APPROVAL PROCESS

Legal Authority: 21 USC 360b Federal, Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Bob G. Griffith, DVM, Director, Division of Therapeutic Drugs for Non-Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-110), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1963**

RIN: 0905–AA96

862. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/29/90	55 FR 11611
NPRM Comment Period End	05/29/90	55 FR 11611

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AB53

863. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. Several provisions of the Orphan Drug Act call for promulgation of regulations to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	10/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905–AB55

864. ABBREVIATED NEW DRUG APPLICATION REGULATIONS (TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: 21 CFR 10; 21 CFR 310; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. On July 10, 1989 (54 FR 28872), FDA proposed regulations to implement Title I. The proposal provides for the submission of abbreviated new drug applications for generic versions of drug products first approved after 1962. These new provisions will benefit consumers by making generic drug products available more quickly.

Timetable:

Action	Date	FR Cite
NPRM	07/10/89	54 FR 28872
NPRM Comment Period End	10/10/89	54 FR 28872
NPRM Extension of Comment Period	10/11/89	54 FR 41629
NPRM Public Comment Period End	01/09/90	54 FR 41629
NPRM	01/16/90	55 FR 1471
NPRM Public Comment Period End	04/09/90	55 FR 1471
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wayne H. Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AB63

865. FOOD LABELING; HEALTH MESSAGES AND LABEL STATEMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of February 13, 1990, the Food and Drug Administration (FDA) reproposed to amend the food labeling regulations to provide for the use of health messages on food labeling. The purpose of this reproposal would be to establish procedures for permitting valid and reliable consumer information on food labels about the value that ingestion (or reduced ingestion) of a dietary component, as part of a total dietary pattern, may have in either lowering the risk, or forestalling the premature onset, of a particular chronic disease condition. In light of this reproposal, FDA withdrew the August 4, 1987 (52 FR 28843) proposal on health messages on food labels. FDA also outlined how it is likely to enforce its regulations that bear on health messages during the period that it is receiving and considering comments on the reproposal. The agency also provided information on the proposed functions and responsibilities of the Public Health Service Committee on Health Messages; on the agency's proposed plan to utilize health messages as a consumer education tool; (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM - Comment Period End	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period End	01/04/88	52 FR 43772
NPRM - Reproposed Rule	02/13/90	55 FR 5176
NPRM - Comment Period End	04/16/90	55 FR 5176
FINAL	03/31/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and on the agency's proposed plan to prepare a consumer guide to food labeling.

Agency Contact: V. P. Frattali, Deputy Director, Division of Nutrition, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-260), 200 C Street, SW., Washington, DC 20204, **202 245-1064**

RIN: 0905–AB67

866. LOOK-BACK REQUIREMENTS FOR BLOOD RECIPIENTS WHO ARE AT INCREASED RISK OF HIV INFECTION

Legal Authority: 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" in which recipients of blood and blood components obtained from the donor's prior donations are traced and tested. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection--those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require that blood collection facilities notify the appropriate transfusion facilities as

soon as an infected donor is identified and implement a system of followup to ensure that either recipients are notified or that the physician of record determined that notification was inappropriate or was not possible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrea Chamblee, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AC90

867. FOOD LABELING REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 201; 21 USC 401; 21 USC 402; 21 USC 403; 21 USC 409; 21 USC 701

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: The agency issued an advance notice of proposed rulemaking on August 8, 1989, requesting public comment on possible changes in the labeling of food products regulated by FDA. The agency sought public comment on five areas: 1) whether to revise the requirements for nutrition labeling; 2) whether to change the nutrition label format on food packages; 3) whether to revise the requirements for ingredient labeling; (4) whether to formally define commonly used food descriptions and/or reconsider the use of standards of identity for foods; and (5) how to reasonably permit the use of messages on food labels that link food components to the prevention of disease. The agency also held four public hearings (see September 20, 1989; 54 FR 38806) to gather first-hand the views of consumers, industry, health professionals, and State and local government officials about labeling revisions. The agency is developing several proposed rules to implement labeling revisions.

Timetable:

Action	Date	FR Cite
ANPRM	08/08/89	54 FR 32610
ANPRM Comment Period End	01/05/90	54 FR 38806
Amendment of Standards of Identity; Declaration of Optional Ingredients	06/30/90	
Nutrition Label Content	06/30/90	
Revision of RDAs	06/30/90	
Standardize Serving Size	07/31/90	
Fat Descriptors	10/30/90	
Ingredient Labeling	12/31/90	
Adjectival Descriptors	02/00/91	
Nutrition Label Format	12/31/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Edward Scarbrough, Deputy Director, Office of Nutrition and Food Sciences, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-201), 200 C Street, SW., Washington, DC 20204, **202 245-1561**

RIN: 0905–AD08

868. ● IMPLEMENTATION OF TITLE I OF THE GENERIC ANIMAL DRUG AND PATENT TERM RESTORATION ACT

Significance: Regulatory Program

Legal Authority: 21 USC 360b

CFR Citation: 21 CFR 514

Legal Deadline: Final, Statutory, November 16, 1989.

Abstract: The agency proposes to amend its regulations to implement Title I of the Generic Animal Drug and Patent Term Restoration Act which established new standards for marketing approval of generic copies of animal drug products approved after 1962.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lonnie W. Luther, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-128), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905–AD15

869. ● PATENT TERM RESTORATION FOR ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 35 USC 156; 21 USC 360b; 21 USC 701

CFR Citation: 21 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend the agency's patent term restoration regulations to include animal drugs as products for which patent term restoration is available.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Nancy E. Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905–AD16

870. ● INVESTIGATIONAL NEW DRUG, ANTIBIOTIC AND BIOLOGICAL DRUG PRODUCT APPLICATIONS; PROPOSED AMENDMENT TO SECTIONS ON CLINICAL HOLD AND TERMINATION

Significance: Agency Priority

Legal Authority: 21 USC 201; 21 USC 301; 21 USC 501; 21 USC 502; 21 USC 503; 21 USC 505; 21 USC 506; 21 USC 507; 21 USC 701

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: This proposed rule would amend the agency's regulations governing investigational new drug (IND) applications to include additional grounds for placing an investigation on "clinical hold" and for terminating an IND. Under the proposed amendments, FDA may require a sponsor to cease

HHS—PHS—FDA

Proposed Rule Stage

distributing an experimental drug in an open, nonconcurrently controlled investigation if any of several specified conditions exist. These amendments would help to implement a proposed PHS policy on expanded availability of INDs through a parallel track mechanism for people with AIDS or HIV-related disease.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip L. Chao, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AD19

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

871. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM (cont)

Timetable:

Acne (Topical) Products
- ANPRM 03/23/82 (47 FR 12430)
- NPRM 01/15/85 (50 FR 2172)
- Final Action 00/00/00

Alcohol (Topical) Products (To be merged w/other rulemkg)
- ANPRM 05/21/82 (47 FR 22324)

Anorectal Products
- ANPRM 05/27/80 (45 FR 35576)
- NPRM 08/15/88 (53 FR 30756)
- Final Action 12/00/90

Antacid Drug Products
- ANPRM 04/05/73 (38 FR 8714)
- NPRM 11/12/73 (38 FR 31260)
- Final Action 06/04/74 (39 FR 9862)
- NPRM (Amendment) (Overindulgence) 06/00/90

Anthelmintic Products
- ANPRM 09/09/80 (45 FR 59541)
- NPRM 08/24/82 (47 FR 37062)
- Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
- ANPRM 04/01/77 (42 FR 17642)
- NPRM 07/09/82 (47 FR 29986)
- Final Action 12/11/87 (52 FR 47312)
- NPRM (Amendment) 08/18/89 (54 FR 34188)
- Final Action 03/15/90 (55 FR 9721)
- NPRM (Amendment) 06/00/90

Anticaries Products
- ANPRM 03/28/80 (45 FR 20666)
- NPRM 09/30/85 (50 FR 39854)
- NPRM 06/15/88 (53 FR 22430)
- Final Action 00/00/00

Antidiarrheal Products
- ANPRM 03/21/75 (40 FR 12924)
- NPRM 04/30/86 (51 FR 16138)
- Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)
- ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
- ANPRM 03/21/75 (40 FR 12934)
- NPRM 07/13/79 (44 FR 41064)
- Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products
- NPRM 11/12/73 (38 FR 31260)
- Final Action 06/04/74 (39 FR 19877)
- NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products
- ANPRM 03/23/82 (47 FR 12480)
- NPRM 12/12/89 (54 FR 51136)
- NPRM (Amendment) (Diaper Rash) 09/00/90

Antimicrobial Products
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- NPRM (Amendment) (Diaper Rash) 09/00/90

Antiperspirant Products
- ANPRM 10/10/78 (43 FR 46694)
- NPRM 08/20/82 (47 FR 36492)
- Final Action 00/00/00

Antiseptic First Aid
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- Revised NPRM 12/00/90

Antiseptic Products (Professional Use)
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- Revised NPRM 12/00/90

Aphrodisiac Products
- ANPRM 10/01/82 (47 FR 43572)
- NPRM 01/15/85 (50 FR 2168)
- Final Action 07/07/89 (54 FR 28780)

Astringent (Wet Dressings) Prdts (To be merged w/other rulemkg)
- ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
- ANPRM 10/01/82 (47 FR 43566)
- NPRM 02/20/87 (52 FR 5406)
- Final Action 02/27/90 (55 FR 6926)

Boil Ointments
- ANPRM 06/29/82 (47 FR 28306)
- NPRM 01/26/88 (53 FR 2198)
- Final Action 00/00/00

Camphorated Oil Drug Products
- ANPRM 09/26/80 (45 FR 63869)
- Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
- ANPRM 02/12/80 (45 FR 9286)
- NPRM 08/24/82 (47 FR 37068)
- Final Action 06/10/83 (48 FR 27004)
- NPRM (Amendment) 08/15/88 (53 FR 30786)
- Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 02/20/87 (52 FR 5412)
Final Action 03/00/91

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
NPRM (Amendment) 08/24/87 (52 FR 31892)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)
NPRM (Amendment) 07/06/89 (54 FR 28442)

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 08/12/88 (53 FR 30522)
Final Action 00/00/00

Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 02/28/89 (54 FR 8494)

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 09/00/90

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 00/00/00

Daytime Sedatives
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2706)
Final Action 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40818)
NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3370)
NPRM (Amendment) (1%Hydrocortisone) 02/27/90 (55 FR 6932)
NPRM (Amendment) (Diaper Rash) 09/00/90
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 07/07/89 (54 FR 28772)

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 10/02/89 (54 FR 40618)

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 05/00/90

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bite & Sting (Relief) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 11/16/88 (53 FR 46204)

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 07/00/90

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 11/16/88 (53 FR 46194)

Mercurial (Topical) Products (To be merged w/other rulemkg)
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/14/89 (54 FR 6814)

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 10/00/90

Oral Health Care Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
NPRM (Amendment) (Antimicrobials) 00/00/00
Final Action 00/00/00

Oral Mucosal Injury Products (Merged w/Oral Health Care)
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)

Oral Wound Healing Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)

Otic Products (Earwax)
NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)

Otic Products (Swimmers Ear)
NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 09/00/90

Overindulgence Remedies/Prevention of Inebriation
ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 04/03/89 (54 FR 13480)

Poison Ivy/Oak/Sumac Prevention (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 03/00/91

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
NPRM (Amendment) (Astringent) 04/03/89 (54 FR 13490)
NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40808)
NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3362)
NPRM (Amendment) (Diaper Rash) 09/00/90
Final Action 00/00/00

HHS—PHS—FDA

Final Rule Stage

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stimulant Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)
Sunscreen Products
ANPRM 08/25/78 (43 FR 38206)
NPRM 03/00/91
Sweet Spirits of Nitre
ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Vitamin/Mineral Products
ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 03/00/91
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL ENTITIES AFFECTED: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905–AA06

872. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10, 1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS. On the same date, the agency (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
Effective Date 01/09/87 (51 FR 25012)
GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 12/10/87 (52 FR 46968)
Final Action 03/15/90 (55 FR 9826)
Effective Date 04/16/90 (55 FR 9826)
GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 12/19/88 (53 FR 51065)
Final Action 03/00/91
Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)
Sulfiting Agents in Standardized Foods; Labeling Requirements
NPRM 12/19/88 (53 FR 51062)
Final Action 03/00/91

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: also proposed to establish labeling requirements when sulfiting agents are used in standardized foods.

On March 15, 1990 (55 FR 9826), FDA issued a final rule prohibiting the use of sulfiting agents on "fresh" potatoes that are intended to be served or sold unpackaged and unlabeled to the consumer because this use is not generally recognized as safe (GRAS). On this same date, the agency published a notice in the FEDERAL REGISTER (55 FR 9834) requesting data and information concerning the use of sulfiting agents on frozen potato products; this information will aid the agency in evaluating the GRAS status of this use of sulfiting agents.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW., Washington, DC 20204, **202 426-9463**

RIN: 0905–AB52

873. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would

provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Final Action	05/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Adele Dennis, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW., Washington, DC 20204, 202 245-3117

RIN: 0905–AB68

874. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None

Abstract: The agency is preparing one proposal and one final rule which will implement the Infant Formula Act of 1986. The proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The final rule will establish infant formula microbiological testing, consumer complaints, and record retention requirements.

Timetable:

Infant Form Cons Comp, Micro Test & Recd Retention Req
NPRM 01/26/89 (54 FR 3783)
NPRM Comment Period End 03/27/89
Final Action 08/00/90

Infant Formula Current Good Practices; Qual Control Proc
NPRM 12/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Duy, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW., Washington, DC 20204, 202 245-3117

RIN: 0905–AC46

875. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None

Abstract: In the Federal Register of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA has proposed (53 FR 45678) to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45678
NPRM Comment Period End	01/09/89	53 FR 45678
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann A. Graham, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905–AC52

876. ACTION LEVELS FOR ADDED POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD (INCLUDING ANIMAL FEED)

Significance: Agency Priority

Legal Authority: 21 USC 342(a)(1)

CFR Citation: 21 CFR 109; 21 CFR 509

Legal Deadline: None

Abstract: On April 21, 1989 (54 FR 16128), FDA proposed to (1) amend its regulations creating and describing action levels for added poisonous or deleterious substances in food (including animal feed) to make clear that action levels constitute prosecutorial guidance rather than substantive rules, and (2) revoke the provisions for exceptions to action levels in 21 CFR Part 109 (human food) and 21 CFR Part 509 (animal feed) because of a court decision that relied on those regulations in determining that the action levels were substantive rules. Under the proposal, an action level would define a level of contamination at which the agency may regard a food as adulterated. The proposed amendments are intended to make it clear that action levels constitute prosecutorial guidance rather than substantive rules.

HHS—PHS—FDA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Notice of Court of Appeals Decision	02/19/88	53 FR 5043
NPRM	04/21/89	54 FR 16128
NPRM Comment Period End	06/20/89	54 FR 16128
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John R. Wessel, Director, Contaminants Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs (HFC-6), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1815**

RIN: 0905–AC73

877. PRESCRIPTION DRUG MARKETING ACT OF 1987; IMPLEMENTATION

Significance: Agency Priority

Legal Authority: PL 100-293

CFR Citation: 21 CFR 399

Legal Deadline: Final, Statutory, October 20, 1988.
Statutory date applies only to issuing guidelines for State licensing of wholesale drug distributors.

Abstract: The Prescription Drug Marketing Act of 1987 (the new law) amends the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer or for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. The new law requires that the guidelines under (1) above be promulgated as a regulation, through notice and comment rulemaking. It also provides that the prohibition against distribution of prescription drugs by unlicensed wholesalers becomes effective two years (cont)

Timetable:

Prescription Drug Marketing Act; Information Letter
Notice 08/08/88 (53 FR 29776)
Reimportation of Prescription Drugs; Import Alert
Notice 07/26/88 (53 FR 28069)
Wholesale Drug Distributors; Guidelines for State Licensing
NPRM 09/13/88 (53 FR 35325)
NPRM Public Comment Period End 10/13/88
Final Action 07/31/90

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: after the final regulation is published by the agency in the FEDERAL REGISTER. FDA has developed guidance information respecting other sections of the new law. The agency is also developing regulations implementing those sections.

Agency Contact: Diane Goyette, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC81

878. LEAD FROM CERAMIC PITCHERS

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 109

Legal Deadline: None

Abstract: On June 1, 1989 (54 FR 23485), FDA proposed to establish a regulatory limit for ceramic food-service pitchers, excluding creamers, that would limit the leaching of lead from the glazes and decorations on the food-contact surface of these pitchers to no more than 0.1 microgram per milliliter (ug/mL) of test solution. FDA also proposed to provide that decorative ceramicware that appears to be suitable for food use will be deemed to be for food use unless it bears a conspicuous, permanent label statement molded or fired onto the ceramic piece that states that the piece is not for food use, or a hole is bored through the possible food-contact surface of the piece. FDA proposed this provision to ensure that decorative pieces are not confused with food-contact ceramicware. Finally, by means of the notice, FDA solicited comments and information on several other matters, including the need to decrease leachable lead from other ceramicware (flatware, cookware, and large and small hollowware other than pitchers) and appropriate measures for achieving any needed decrease.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23485
NPRM Comment Period End	07/31/89	54 FR 23485
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW., Washington, DC 20204, **202 485-0229**

RIN: 0905–AC91

879. PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360; 21 USC 371; 42 USC 262; 42 USC 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency has proposed to amend the regulations concerning blood products to require that each establishment or laboratory, responsible for performing FDA-required tests for hepatitis B surface antigen (HBsAg) and evidence of human immunodeficiency virus (HIV), participate in an approved program to demonstrate proficiency in performing these tests. The proposal is part of an FDA program to provide increased assurance of the quality of laboratory performance.

HHS—PHS—FDA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24296
NPRM Comment Period End	07/06/89	54 FR 24296
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AC92

880. METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

Significance: Regulatory Program

Legal Authority: 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse have proposed to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV. Comments on the proposal revealed a large number of differing opinions on both the desirability of adopting interim maintenance standards and on a number of related issues. The agencies believe that is is necessary to improve the current administrative record before a decision regarding any final action based on the proposal. Therefore, FDA and NIDA held a public hearing on February 28, 1990, to solicit additional information.

Timetable:

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897
Notice - Public Hearing; February 28, 1990	12/04/89	54 FR 50226
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Wayne H. Mitchell, Regulatory Counsel, Div. of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC93

881. EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY-DEBILITATING ILLNESSES

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 357; 21 USC 371; 42 USC 262

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: In the Federal Register of October 21, 1988 (53 FR 41561), FDA issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely-debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a Federal Register document that will respond to these comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Adele Seifried, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AC94

882. ● RETENTION OF BIOAVAILABILITY AND BIOEQUIVALENCE TESTING SAMPLES

Significance: Regulatory Program

Legal Authority: 21 USC 201; 21 USC 301; 21 USC 501; 21 USC 502; 21 USC 503; 21 USC 505; 21 USC 506; 21 USC 507; 21 USC 701

CFR Citation: 21 CFR 312; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: The interim rule would require the retention for a specified period of reserve samples of the drug products used to conduct bioavailability or bioequivalence studies of drug products and, when specifically requested, to provide the reserve samples to FDA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn L. Watson, Special Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905–AD17

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

883. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Agency Priority

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Completed:

Reason	Date	FR Cite
Final Action FD&C Red No. 3; Termination of Provisional Listing	02/01/90	55 FR 3516

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine J. Bailey 202 472-5690

RIN: 0905–AB60

884. LABELING FOR MENSTRUAL TAMPONS; RANGES OF ABSORBENCY

Significance: Regulatory Program

CFR Citation: 21 CFR 801.430

Completed:

Reason	Date	FR Cite
Final Action	10/26/89	54 FR 43766
Final Action Effective	03/01/90	54 FR 43766

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Les Weinstein 301 443-4874

RIN: 0905–AC54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

Proposed Rule Stage

885. AREA HEALTH EDUCATION CENTER PROGRAM

Legal Authority: 42 USC 216; 42 USC 295gl

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None

Abstract: This NPRM proposes to amend the existing regulations governing the Area Health Education Center Program, under section 781 of the Public Health Service Act, to incorporate amendments made by the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129), and Title VI of Pub. L. 100-607, the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/17/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn H. Gaston, M.D., Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC67

886. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend existing regulations governing the Health Education Assistance Loan (HEAL) Program, as authorized by sections 727-739 of the Public Health Service Act, to include revised procedures for handling HEAL bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	03/29/90	55 FR 11620
NPRM Comment Period End	05/29/90	55 FR 11620
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1173**

RIN: 0905–AC75

887. GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: PL 100-386; PL 95-626; PL 99-280

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 51c, Subpart A-E, to bring them into conformance with amendments to Section 330 of the Public Health Service Act which were enacted in 1986 and 1988. These include extension of the program authorization, addition of capital construction authority, and changes regarding program income and services. PL 99-280 requires that the Secretary consult with the Chief Executive Officer and local officials of a State in publishing Medically Underserved Population designation criteria and in designating or de-designating Medically Underserved Populations. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program and Policy Development, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC85

888. GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: PL 100-386; PL 95-626

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 56, Subparts A-H, to bring them into conformance with amendments to section 329 of the PHS Act. They were enacted in 1986 and 1988. These include extension of the program authorization, addition of perinatal program authorization, addition of capital construction authority, and changes regarding program income and services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy Development, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC86

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889. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294-1

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Farrington, D.M.D., Deputy Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Parklawn Building, Rockville, MD 20857, **301 443-1173**

RIN: 0905–AC87

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890. NATIONAL DATA BANK FOR ADVERSE INFORMATION ON HEALTH CARE PRACTITIONERS AND PROVIDERS (SECTION 5 AMENDMENTS)

Significance: Regulatory Program

Legal Authority: 42 USC 11101 to 11152; 42 USC 1396r2

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners to implement section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987. This provision requires States to report to the Secretary of HHS certain adverse licensure actions taken against health care practitioners and health care entities.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Division of Quality Assurance and, Liability Management, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-67, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2300**

RIN: 0905–AC88

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891. GRANTS FOR EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

Legal Authority: 42 USC 216; 42 USC 295g-7

CFR Citation: 42 CFR 57, Subpart S

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing section 787 of the PHS Act, by adding statutory changes made by Title VI of Pub. L. 100-607, including: 1) that 10 percent of the amount of funds appropriated during any fiscal year be set aside for community-based programs; 2) that schools not having large enrollments of students from disadvantaged backgrounds increase their enrollments of such students during a period of 3 years by 20 percent over the base year of 1987; and 3) that the amount of grant funds obligated to institutions of higher education be changed from 80 percent to 70 percent. It would also require that an individual complete at least the junior year of high school (or its equivalent) in order to receive educational assistance.

Timetable:

Action	Date	FR Cite
NPRM	05/04/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr., Ph.D., Director, Division of Disadvantaged, Assistance, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2100**

RIN: 0905–AD01

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892. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: POSTJUDGMENT COLLECTIONS

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: In accordance with the statutory requirement in the Drug Abuse Treatment Technical Corrections Act of 1989, which amended section 733(h)(2) of the Public Health Service Act, this proposed rule would amend existing regulations governing the Health Education Assistance Loan (HEAL) program to specify postjudgment collection procedures which a lender or holder must follow prior to filing a default claim.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, BHPr, Department of Health

and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1173**

RIN: 0905–AD11

893. ● NATIONAL DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS, DENTISTS, OTHER HEALTH CARE PRACTITIONERS, AND HEALTH CARE ENTITIES (TITLE IV): MEDICAL MALPRACTICE RESEARCH DATA

Legal Authority: 42 USC 11101 to 11152; 42 USC 1396r-2

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the National Practitioner Data Bank for Adverse Information on Physicians, Dentists, Other Health Care Practitioners, and Health Care Entities (Title IV, Part B, of the Health Care Quality Improvement Act of 1986). This NPRM proposes to expand the reporting requirements in 45 CFR 60.7(b), which specifies what information must be reported to the Data Bank regarding medical malpractice payments made on behalf of physicians, dentists and other licensed health care practitioners, to support needed research in the areas of medical liability and malpractice.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Division of Quality Assurance and, Liability Management, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-67, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-2300**

RIN: 0905–AD12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

894. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129 (ALLIED HEALTH)

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule implements provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	53 FR 44913
NPRM Comment Period End	01/06/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1173**

RIN: 0905–AC28

895. NURSING POST-BACCALAUREATE FACULTY FELLOWSHIPS PROGRAM

Legal Authority: 42 USC 216; 42 USC 297

CFR Citation: 42 CFR 57, Subpart BB

Legal Deadline: None

Abstract: These regulations implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24002
NPRM Comment Period End	08/04/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, R.N., DNSc., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AC34

896. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM; GRANTS FOR STATE LOAN REPAYMENT PROGRAMS AND SPECIAL REPAYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: PL 100-177

CFR Citation: 42 CFR 62.21 to 62.30; 42 CFR 62.51 to 62.58; 42 CFR 62.71 to 62.76

Legal Deadline: Final, Statutory, May 28, 1988.

Abstract: The Public Health Service Amendments of 1987, PL 100-177 amends the Public Health Service Act adding a new section at 338B of the Act authorizing the Secretary to establish the NHSC Loan Repayment Program. PL 100-177 also amends the PHS Act by adding a new section 338H authorizing the Secretary to establish a program of matching grants to support state loan repayment programs similar to the Federal Loan Repayment Program. PL 100-177 also establishes a new program which is not part of the PHS Act which provides a time limited opportunity for persons in default of their scholarship obligation as of November 1, 1987 to repay these obligations through service or through a combination of service and monetary payment. The publication of the regulations beyond the statutory date will not have any impact on the funding or implementation of the programs affected by these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/89	54 FR 13458
Comment Period End	06/02/89	54 FR 13458
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Program and Policy,

Development, BHCDA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7A08, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC65

897. DESIGNATION OF MENTAL HEALTH MANPOWER SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the Designation of Health Manpower Shortage Areas authorized by section 332 of the Public Health Service Act, which would replace the current criteria for designations of areas having shortages of psychiatrists with criteria for mental health manpower shortage areas to include not only psychiatrists but also other core mental health professionals (clinical psychologists, psychiatric social workers and psychiatric nurses) in a geographic area.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32459
NPRM Comment Period End	10/10/89	54 FR 32460
Final Action	05/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, Room 7A08, Parklawn Building, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC68

898. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-9(b)

CFR Citation: 42 CFR 57, (Subpart PP)

Legal Deadline: None

Abstract: These final regulations govern grants under section 789(b) of the Public health Service Act, made to schools of medicine, osteopathic medicine, teaching hospitals and graduate medical education programs for the purpose of providing support, including residencies, traineeships, and fellowships, for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with Pub. L. 100-177, the Public Health Amendments of 1987, and as amended, by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44496
NPRM Comment Period End	01/03/89	
Final Action	04/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn H. Gaston, M.D., Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 4c-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC71

899. NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Nursing Student Loan (NSL) Program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, including nurses, and the Office of the Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Title VII of Pub. L. 100-607, the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	54 FR 51852
NPRM Comment Period End	02/16/90	
Final Action	09/17/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, Chief, Program Acctg. and Analysis Branch, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1700**

RIN: 0905–AC76

900. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Health Professions Student Loan program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, and the Office of Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Title VI of Pub. L. 100-607, the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	54 FR 51858
NPRM Comment Period End	02/16/90	
Final Action	09/17/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, Chief, Program Acctg. and Analysis Branch, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-34, Parklawn Building, 5600 Fishers

HHS—PHS—HRSA **Final Rule Stage**

Lane, Rockville, Maryland 20857, **301 443-1700**

RIN: 0905–AC78

901. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Health Education Assistance Loan (HEAL) program under sections 727-739A of the Act to incorporate amendments to the program made by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	07/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stuart Weiss, Chief, Health Ed. Asst. Loan Branch, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1540**

RIN: 0905–AD05

902. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 297ai

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Nursing Student Loan (NSL) Program under sections 835-842 of the PHS Act to incorporate amendments to the program made by the Nursing Shortage Reduction and Education Extension Act of 1988 (Title VII of P.L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	09/17/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, Chief, Student & Institutional Support Br., DSA, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4776**

RIN: 0905–AD06

903. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Health Professions Student Loan (HPSL) Program under sections 740-747 of the PHS Act to incorporate amendments to the program made by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	09/17/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, Chief, Student & Institutional Support Br., DSA, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4776**

RIN: 0905–AD07

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

904. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

CFR Citation: 42 CFR 57, Subpart AA

Completed:

Reason	Date	FR Cite
Final Action	03/19/90	55 FR 10063

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, R.N., DNSc. **301 443-5786**

RIN: 0905–AC30

905. NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS

Significance: Regulatory Program

CFR Citation: 45 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	10/17/89	54 FR 42722

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D. **301 443-2300**

RIN: 0905–AC51

906. GRANTS FOR NURSING SPECIAL PROJECTS

CFR Citation: 42 CFR 57, Subpart T

Completed:

Reason	Date	FR Cite
Withdrawn - no regulatory action needed.	01/08/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, RN, DNSc. **301 443-5786**

RIN: 0905–AD02

HHS—PHS—HRSA

Completed Actions

907. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

CFR Citation: 42 CFR 57, Subpart FF

Completed:

Reason	Date	FR Cite
Final Action	12/08/89	54 FR 51744

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn H. Gaston, M.D. 301 443-6190

RIN: 0905–AD03

908. GRANTS FOR PREDOCTORAL, GRADUATE, AND FACULTY DEVELOPMENT EDUCATION IN FAMILY MEDICINE

CFR Citation: 42 CFR 57, Subpart Q

Completed:

Reason	Date	FR Cite
Final Action	12/06/89	54 FR 50373

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn H. Gaston, M.D. 301 443-6190

RIN: 0905–AD04

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Indian Health Service (IHS)

Proposed Rule Stage

909. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of $25,000 per year in exchange for service in an Indian health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Pratt, Chief, Manpower Support Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6A20, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-4243

RIN: 0905–AC96

910. INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/01/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm 8A23, Parklawn Bldg., 5600 Fishers Lave, Rockville, MD 20857, 301 443-1116

RIN: 0905–AC97

911. REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 450; PL 100-202; PL 100-446; PL 100-472; PL 100-581

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, significantly expands the scope of programs covered beyond those administered by IHS. This Act further provided that all contracting requirements be contained in regulations promulgated in final within ten months of enactment. The Law provides for tribal consultation and participation in the development of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	
NPRM Comment Period End	09/01/90	
Final Action	01/17/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

l. The Act (P.L. 100-472) provides that except for construction contracts, the Office of Federal Procurement Policy Act and Federal Acquisition Regulations shall not apply to self-determination contracts. Therefore, implementing regulations for the Indian Self-Determination Act amendments will include a subpart on construction contracts, which, unlike other self-determination awards will be made subject to certain procurement rules (e. g., FARS, HSARS, FSARS). 2. There is a statutory requirement to implement P.L. 93-638 regulations. 3. There is a paperwork burden associated with the

action. It will be included with the overall clearance package.

Agency Contact: Richard J. McCloskey, Dir., Div., of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AC98

912. ● REVISION OF URBAN HEALTH REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to prescribe by regulation, the criteria for selecting urban Indian organizations to enter into contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 8A-23, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AD20

913. ● IMPROVEMENT OF INDIAN HEALTH STATUS, EQUITY FUND

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to establish, by regulation, procedures which would allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 8A-23, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AD21

914. ● EXPANSION OF SILETZ CONTRACT HEALTH SERVICE DELIVERY AREA

Legal Authority: 42 USC 2003; 42 USC 13; 42 USC 2001

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: 42 CFR Part 36.22 describes the procedure for the establishment of Indian Health Service Contract Health Service Delivery Areas (CHSDAs). This regulation proposes to expand the Siletz Tribe's CHSDA by adding 3 counties, Washington, Multmomah and Clackamas. These three counties would be added to the current eight. After a 60-day comment period, the expanded service area would be effective with the publication of final rules. No additional costs beyond those currently being expended are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 8A-23, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AD22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Indian Health Service (IHS)

Final Rule Stage

915. CONTRACT HEALTH SERVICES

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: While the courts have upheld the IHS alternate resource regulation as consistent with congressional intent and the Federal trust responsibility, the courts have nevertheless allowed State and local governments to adopt their own residuality requirements defeating the purpose of the Federal regulations. We are proposing a clarification to the regulations governing receipt of contract health services from the IHS. Under this proposal, IHS would be specifically designated as payor of last resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law to the contrary. Failure to address this problem could severely drain IHS resources as well as jeopardize the Indian's rights to equal protection and equal access to State and local programs.

Timetable:

Action	Date	FR Cite
NPRM	06/08/89	54 FR 24654
NPRM Comment Period End	07/10/89	54 FR 24654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, OPEL, IHS, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn

HHS—PHS—IHS **Final Rule Stage**

Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AD00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions
Public Health Service (PHS)—Indian Health Service (IHS)

916. PREFERENCE IN EMPLOYMENT

CFR Citation: 42 CFR 36

Completed:

Reason	Date	FR Cite
Final Action	11/22/89	54 FR 48246
Final Action Effective	11/22/89	54 FR 48246

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, **301 443-1116**

RIN: 0905–AD09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage
Public Health Service (PHS)—National Institutes of Health (NIH)

917. CHANGES IN NIH PROGRAM REGULATIONS DUE TO PL 99-158, PL 99-499, TITLE X OF P.L. 99-660, AND P.L. 100-607

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X; PL 100-607, Sec 201

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), the provisions of Title X of P.L. 99-660 concerning Alzheimer's Disease and Related Dementias Research, and the provisions of Section 201 of P.L. 100-607 concerning AIDS research.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AC02

918. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 305b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2; 42 USC 285m-3; 42 USC 285e-3; 42 USC 300cc-16

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158) and the Health Omnibus Programs Extension Act of 1988 (P.L. 100-607).

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AC27

919. VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

Abstract: Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of the NIH's Institutes, to accept the uncompensated services of volunteers in carrying out the functions of the NIH. These regulations would describe the process for accepting volunteered service and for benefits and limitations on those who volunteer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John D. Mahoney, Associate Director for Administration, NIH, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. 136, 9000 Rockville Pike, Bethesda, MD 20205, **301 496-4466**

RIN: 0905–AC95

920. ● NATIONAL INSTITUTES OF HEALTH AIDS RESEARCH LOAN PROGRAM

Legal Authority: PL 100-607, Sec 634 (42 USC 288-1)

CFR Citation: 42 CFR 68

Legal Deadline: None

Abstract: 634 of the Health Omnibus Programs Extension of 1988, P.L. 100-607, creates a new grant program, under section 487A of the Public Health Service Act, by which health professionals can obtain Federally funded repayment of educational loans through conducting AIDS research at the NIH. These regulations would

govern the award and administration of these newly created grants.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marc Horowitz, Director, NIH AIDS Research Loan Repayment, Program, Department of Health and Human Services, Public Health Service, Office of AIDS Research, National Institutes of Health, **301 496-0357**

RIN: 0905–AD18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage
Public Health Service (PHS)—National Institutes of Health (NIH)

921. NATIONAL LIBRARY OF MEDICINE PROGRAMS; REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 64

Legal Deadline: None

Abstract: The regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905–AA66

922. ● NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES HAZARDOUS WASTE WORKER TRAINING

Legal Authority: 42 USC 9660a

CFR Citation: 42 CFR 65

Legal Deadline: None

Abstract: Section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, authorizes the National Institute of Environmental Health Sciences to administer a newly created program of grants for the training and education of workers who are, or may be, engaged in activities related to hazardous waste removal or containment or emergency response. These regulations will govern the award and administration of the newly created grants.

Timetable:

Action	Date	FR Cite
NPRM	06/15/89	54 FR 25479
NPRM Comment Period End	08/15/89	
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This regulatory action was inadvertently excluded from previous publications of the Unified Agenda.

Agency Contact: Danny Dobbin, Program Administrator, Department of Health and Human Services, Public Health Service, Nat'l Inst. of Environmental Hlth. Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, **919 541-0752**

RIN: 0905–AD14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions
Public Health Service (PHS)—Agency for Toxic Substances and Disease Registry (ATSDR)

923. HEALTH ASSESSMENTS AND HEALTH EFFECTS STUDIES OF HAZARDOUS SUBSTANCES RELEASES AND FACILITIES

Significance: Agency Priority

CFR Citation: 42 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	02/13/90	55 FR 5136
Final Action Effective	02/13/90	55 FR 5136

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Robert C. Williams, P.E. **404 639-0610**

RIN: 0905–AC84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

924. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b); 42 CFR 413.24

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AA33

925. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AB07

926. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.506; 42 CFR 405.511; 42 CFR 405.556; 42 CFR 405.1310; 42 CFR 413.170; 42 CFR 414.350 to 378; 42 CFR 424.55; 42 CFR 424.64; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, 99-509, 100-203, 100-647, and 101-239 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment for exceptions to the fee schedules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB50

927. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(D); 42 USC 1396o(a)(2)(E); 42 USC 1302; 42 USC 1396n(g)

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None

Abstract: These regulations would implement 2 provisions of Pub. L. 99-272: (1) under section 9505, Medicaid coverage of hospice care, at State option, the regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) under section 9508, Medicaid coverage of case management services, at State option case management services may be furnished to specific Medicaid groups or geographic areas within a State. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care

Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC52

928. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: **Alfreda Stanton,** Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6770**

RIN: 0938–AC88

929. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician. In addition, as required by section 4096(b) of Pub. L.100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, suppler or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

Agency Contact: **Richard Husk,** Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AC90

930. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Paul Trimble,** Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4509**

RIN: 0938–AC97

931. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by a provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Goeller,** Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD01

932. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: **William Goeller,** Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD02

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933. RECOGNITION OF JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Legal Authority: 42 USC 1395bb(a); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under this final notice, hospital-based home health agencies accredited by the Joint Commission on Accreditation for Healthcare Organizations' and home health agencies accredited by the National League for Nursing are considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies will not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also can choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/31/87	52 FR 49510
Public Comment Period End	02/29/88	52 FR 49510
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **John Thomas,** Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4623**

RIN: 0938–AD13

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934. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(c); 42 USC 1396b(f); 42 USC 1396b(u); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), the Omnibus Budget Reconciliation Acts of 1989, 1987, and 1986, (P.L. 101-239, P.L. 100-203 and P.L. 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to a specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; and add provisions for the presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: **Marinos Svolos,** Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD17

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935. TRANSFER OF ASSETS

Legal Authority: 42 USC 1302; 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations to the new section 1917(c) of the Social Security Act, which was entirely revised by section 303(b) of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360) as amended by section 608(d)(16)(B) of the Family Support Act (P.L. 100-485) and section 6411(e)(1) of OBRA '89. Section 1917(c) now requires that State Medicaid agencies provide individuals who are

receiving nursing facility services or receiving home and community based services with a period of ineligibility for Medicaid coverage of those services for up to 30 months if these individuals or their spouses made transfers of assets for less than fair market value during a prohibited period. The period of ineligibility applies if the individual or spouse made a transfer of assets for less than fair market value at any time during or after the 30 month period immediately before (1) the date the individual became institutionalized, if he or she was entitled to Medicaid on that date, or (2) if not entitled to Medicaid on that date, the date he or she applied for Medicaid while (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: institutionalized. Section 303(b) also exempts certain specific transfers of assets from the period of ineligibility.

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD18

936. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES, VISION CARE AND SERVICES FURNISHED BY PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395k(a)(2)(C); 42 USC 1395l(a); 42 USC 1395n(a)(2)(C); 42 USC 1395x(r); 42 USC 1395x(s)(2)(K); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395l(h); 42 USC 1395u(b)(12)

CFR Citation: 42 CFR 400.202; 42 CFR 405.1230; 42 CFR 410; 42 CFR 424; 42 CFR 483; 42 CFR 486; 42 CFR 489.2

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L. 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy, and for physician assistant services. It also would implement section 9336 of P.L. 99-509 which includes in the definition of "physician", a doctor of optometry with respect to all services the optometrist is authorized to provide by the State in which he or she provides them.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4605**

RIN: 0938–AD32

937. STATE SHARE OF FINANCIAL PARTICIPATION

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This rule revises the current policy concerning State's use of donations and certain taxes in determining the State share of Federal financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4626
NPRM Comment Period End	04/10/90	55 FR 4626
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Special Reimbursement, Programs Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4576**

RIN: 0938–AD36

938. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. We are updating the schedule of limits effective the first day of the month following 30 days after date of publication.

Timetable:

Action	Date	FR Cite
Interim Final Notice with Comment	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD48

939. APPLICATION OF THE COMPARABLE SERVICES LIMITATION IN DETERMINING REASONABLE CHARGES

Legal Authority: 42 USC 1395u(b)(3)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.508

Legal Deadline: None

Abstract: This proposed rule would clarify the circumstances under which Medicare carriers are to apply the comparable services limitation in making their determination of a reasonable charge for Medicare Part B services. Under section 1842(b)(3)(B) of the Act, carriers are prohibited from making a determination of a reasonable charge that would be higher than the charge upon which they would base payment to their own policyholders for a comparable service under comparable

circumstances. Currently, there is a great deal of confusion among the carriers as to what constitutes comparable services and comparable circumstances, the result of which is that very few carriers are applying the comparable services limitation in their reasonable charge determination. We would revise the regulations to more clearly state how the comparable services limitation should be implemented by the carriers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD50

940. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be revised based on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations recently published by DHHS, as well as to guidance issued by the Office of Management and Budget and the Department of Justice to implement Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rosario Cirrincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, **301 966-5352**

RIN: 0938–AD60

941. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES

Legal Authority: 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1302; 42 USC 1396r(f)(7)

CFR Citation: 42 CFR 405; 42 CFR 442; 42 CFR 483

Legal Deadline: Final, Statutory, July 1, 1988.

Abstract: This proposed rule would define those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	03/20/90	55 FR 10256
NPRM Comment Period End	05/21/90	55 FR 10256
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 429 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD66

942. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This proposed rule would reflect the court decision precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to ICF/MR residents are reimbursable under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	02/21/90	55 FR 6015
NPRM Comment Period End	04/23/90	55 FR 6015
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel W. Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 428 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4620**

RIN: 0938–AD69

943. PRE-ADMISSION REVIEW AND AUTHORIZATION OUTPATIENT SURGERY, PRE-ADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463,

EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD70

944. CHANGES TO THE REASONABLE COST REGULATION CONCERNING INVESTMENT INCOME

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 413.17; 42 CFR 413.130

Legal Deadline: None

Abstract: This rule proposes to revise 42 CFR 413.153(b)(2), which requires that "necessary interest" be offset by investment income. Rather than to offset interest expense by investment income, we propose to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD72

945. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: These rules would establish limitations on Medicare payment for services furnished to disabled "active individuals" who are also covered under a large group health plan (LGHP), and prohibit discrimination by an LGHP against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4474**

RIN: 0938–AD73

946. CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE

Legal Authority: 42 USC 1395x(s)(6); 42 USC 1395hh; 42 USC 1302; 42 USC 1395x(n)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AD77

947. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME AIDE SUPERVISION AND DISCHARGE PLANNING

Legal Authority: 42 USC 1302; 42 USC 1395x(m); 42 USC 1395hh; 42 USC 1395x(o)

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: This proposed rule would establish home health aide supervision and duty requirements applicable to all HHA's that provide services under Medicare. In addition, these regulations would codify longstanding policies that concern the limitations and exclusions applicable to home health services under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Room 405 EHR, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD78

948. APPEAL RIGHTS AND PROCEDURES FOR BENEFICIARIES ENROLLED IN PREPAID HEALTH CARE PLANS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would amend or establish regulations relating to appeal rights and procedures for Medicare beneficiaries who are enrolled in health maintenance organizations (HMOs), competitive medical plans (CMPs), and health care prepayment plans (HCPPs). Specifically, the proposed rule would extend to HMO and CMP members the right to request review by a PRO of early hospital discharges; impose a 60-day limit for HMOS and CMPs to process requests by beneficiaries for reconsideration of decisions on denied services or claims; and require HCPPs to establish appeal procedures for enrollees who are Medicare beneficiaries. These changes are aimed at improving efficiency and at providing beneficiaries equitable appeal rights, regardless of their enrollment status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Mahanes, Program Analyst, Div of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4642**

RIN: 0938–AD79

949. OMNIBUS NURSING HOME REFORM REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395i-3; PL 100-203, Sec 4201; 42 USC 1396r; PL 100-203, Sec 4211; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 483; 42 CFR 431; 42 CFR 440; 42 CFR 488; 42 CFR 418; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would implement several provisions of the Omnibus Budget Reconciliation Act of 1987, other than those implemented through the final rule published on February 2 1989 governing long term care facility participation in the Medicare and Medicaid programs effective October 1, 1990, and State requirements for FFP. The provisions include Federal standards for evaluating State waivers of nursing facility nurse staffing requirements, use of physical restraints and psychopharmacologic drugs for nursing facility residents, notices of Medicaid rights to be given to persons admitted to nursing facilities, and other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4620**

RIN: 0938–AD81

950. NEW MINIMUM STANDARDS FOR MEDICARE SUPPLEMENTAL (MEDIGAP) POLICIES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk(a); 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.215 to 403.217; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 403.258

Legal Deadline: None

Abstract: These proposed regulations would add requirements for certification of Medicare supplemental (Medigap) policies under the Federal voluntary certification program or for approval under State regulatory programs that are deemed to have standards that are equal to or more stringent than those of the Federal program. The new standards would include: required submission of advertising to the State; reporting of actual loss ratio information under both the Federal and State programs; a uniform 30-day free-look standard; and procedural requirements for the direct claim transmittal of bills submitted for services furnished to Part B beneficiaries by participating physicians and suppliers from Medicare carriers to Medigap insurers. Insurers would be required to pay user fees for the transmittal of claims. The regulations also would require conformance with the most recent model standards adopted by the National Association of Insurance Commissioners.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD82

951. MEDICARE PAYMENT AND COVERAGE OF PSYCHOLOGISTS' SERVICES FURNISHED AT CLINICS

Legal Authority: 42 USC 1395x(s)(2)(M); 42 USC 1395x(aa)(1)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 491

Legal Deadline: None

Abstract: This proposed notice would establish Medicare payment and coverage for psychologists services furnished in clinics. Payment would be based on a fee schedule and under an assignment-related basis. The fee schedule would apply to all covered diagnostic and therapeutic services furnished by qualified psychologists at clinics. The fee schedule would not apply to diagnostic services furnished by independent psychologists. The fee schedule would apply to services furnished on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD84

952. FEE SCHEDULE FOR CERTIFIED NURSE-MIDWIFE SERVICES

Legal Authority: 42 USC 1395l(a)(1)(K); 42 USC 1395x(s)(2)(L); 42 USC 1395hh; 42 USC 1302; 42 USC 1395l(p); 42 USC 1395x(gg)

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This proposed rule would provide for the establishment of a fee schedule for the services of certified nurse-midwives under the Medicare program. This proposal would implement section 4073 of PL 100-203 and would apply to Medicare services provided by certified nurse-midwives on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5661**

RIN: 0938–AD85

953. SNF/NF ENFORCEMENT OF PROVISIONS: MEDICARE AND MEDICAID

Significance: Agency Priority

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4202; 42 USC 1396r; PL 100-203, Sec 4212; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub. L. 100-203, which govern the process used by HCFA to survey long-term care facilities, and certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6763**

RIN: 0938–AD94

954. RECOVERY OF OVERPAYMENTS RESULTING FROM COMPUTATIONAL ERRORS

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350; 42 CFR 405.355; 42 CFR 405.356; 42 CFR 405.360

Legal Deadline: None

Abstract: This proposed rule would amend the Medicare regulations to clarify our interpretation of "without fault" as it applies to physician, provider, and supplier liability for overpayments. This definition would result in greater uniformity of determinations by carriers and intermediaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Guida, Director, Division of Overpayment Prevention, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7495**

RIN: 0938–AD95

955. GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS

Legal Authority: 42 USC 1395j; 42 USC 1395q; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 408.8; 42 CFR 408.63; 42 CFR 408.47; 42 CFR 408.50; 42 CFR 408.1; 42 CFR 408.2; 42 CFR 408.6; 42 CFR 408.10

Legal Deadline: None

Abstract: Under current rules, individuals who do not pay their Part B premiums will have their coverage terminated after a grace period that allows several months lateness. The grace period for individuals eligible for monthly social security cash payments is different from that of uninsured individuals. This proposed rule would allow a uniform 3-month grace period to treat all individuals identically.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Boerschel, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5941**

RIN: 0938–AD97

956. EXCLUSION OF COVERAGE OF CHAIRS WITH A BUILT-IN LIFT MECHANISM

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(s)(6)

CFR Citation: 42 CFR 405.310(k)

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to exclude from Medicare coverage for seat lift chairs as durable medical equipment (DME). Seat lifts will continue to be covered as DME under the coverage criteria in the DME regulation and the Coverage Issues Manual.

Timetable:

Action	Date	FR Cite
Proposed Notice	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE05

957. WITHDRAWAL OF COVERAGE OF EXTRACRANIAL-INTRACRANIAL ARTERIAL BYPASS SURGERY FOR THE TREATMENT OR PREVENTION OF STROKE

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage of extracranial-intracranial arterial bypass surgery when used to treat or prevent strokes.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5316**

RIN: 0938–AE11

958. PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE

Legal Authority: 42 USC 1302; 42 USC 1396r(5)

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These proposed regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16)(A) of the Family Support Act (P.L. 100-485) and section 6411(e)(3) of OBRA '89. Section 303(a) allocates incomes and resources between a spouse who is institutionalized and the spouse remaining in the community. It also provides special post-eligibility rules for institutionalized individuals who have spouses in the community. The revision would provide the community spouse with more adequate income for meeting living expenses.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4452**

RIN: 0938–AE12

959. CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS

Legal Authority: 42 USC 1395hh; 42 USC 1395u(b); 42 USC 1302; 42 USC 1395h

CFR Citation: 42 CFR 421.120; 42 CFR 421.122; 42 CFR 421.201; 42 CFR 421.203

Legal Deadline: None

Abstract: This is a technical revision to Medicare regulations that will simplify and improve our system for evaluating the performance of fiscal intermediaries and carriers in the administration of the Medicare program. Currently, we evaluate intermediaries using performance criteria and standards issued through an annual notice in the Federal Register. We are clarifying the methodology for establishing these criteria and standards. We are also issuing requirements for the evaluation for carrier performance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stewart Streimer, Director, Division of Operations Standards, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-6 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7409**

RIN: 0938–AE15

960. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396b(g); 42 USC 1396(a)(30); 42 USC 1396(a)(44)

CFR Citation: 42 CFR 400; 42 CFR 440; 42 CFR 441; 42 CFR 456; 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would make the requirements for physician certification and development of a plan of care general State plan requirements. States would no longer be required to make quarterly showings that they had determined compliance with those requirements or with utilization review. A quarterly demonstration to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to Inspections of Care (IOCs) in participating ICFs/MR and mental hospitals. The IOC team would be required, as part of its review, to ensure compliance with State plan requirements regarding certifications, recertifications, plans of care, and utilization reviews. The team would also be required to ensure compliance with admission review requirements. This rule establishes review criteria specifically for ICFs/MR and mental hospitals that ensure essential client protections and focus on the provision of active treatment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Harrison, Chief, Specialty Long Term Care Services Br., Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6833**

RIN: 0938–AE17

961. HMO FISCAL SOUNDNESS AND GROUP SPECIFIC RATING

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This proposed regulation would set forth the circumstances under which the resources of an organization which owns or controls a health maintenance organization (HMO) would be considered for purposes of determining whether the HMO meets the fiscal soundness and insolvency protection requirements for federal qualification under title XIII of the Public Health Service Act. It also authorizes HMOs, with certain limitations, to fix their rates for specific groups based on the HMO's revenue requirements for providing services to the group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Program Analyst, Office of Prepaid Health Care, Department of Health and

Human Services, Health Care Financing Administration, 4406 Cohen Bldg., 330 Independence Avenue, SW., Washington, DC 20201, 202 245-0070

RIN: 0938–AE24

962. HMO ORGANIZATIONAL STRUCTURE AND SERVICES

Legal Authority: 42 USC 300e(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A); 42 USC 1302

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104

Legal Deadline: None

Abstract: This proposed regulation would provide organizations which operate health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in offering other health benefit plans in addition to their qualified HMO products. It would also authorize, with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4406, Cohen Bldg., 330 Independence Avenue, SW., Washington, DC, 202 245-0070

RIN: 0938–AE25

963. HMO QUALIFICATION DETERMINATIONS

Legal Authority: 42 USC 300e(c); 42 USC 300e-1 note; 42 USC 300c-9

CFR Citation: 42 CFR 417.101; 42 CFR 417.107; 42 CFR 417.151; 42 CFR 417.157

Legal Deadline: None

Abstract: These proposed regulations would amend existing regulations to conform them to sections 5(b), 6(a), and 7 of Public Law 100-517, the Health Maintenance Organization Amendments of 1988. Specifically, the proposal would: (a) require that employer contributions not financially discriminate against HMO enrollees; (b) repeal the requirement that employers, under certain circumstances, offer federally qualified HMOs to their employees (the "dual choice" requirement), effective October 24, 1995; and (c) include additional conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cathy Carter, Director, Office of Qualifications, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4332, Cohen Bldg., 330 Independence Avenue, SW., Washington, DC 20201, 202 245-0780

RIN: 0938–AE26

964. CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988; FEE COLLECTION

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493.702 to 493.749

Legal Deadline: None

Abstract: This proposed rule would implement certain provisions of the Clinical Laboratory Improvement Amendments of 1988 by requiring all laboratories to pay fees for issuance of certificates and for determining compliance with requirements for laboratory testing. It would also establish the methodology used to determine fee amounts and establish certificate application procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Rhonda Whalen, Chief, Laboratory & Home Health Services Br., Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-6801

RIN: 0938–AE28

965. "CONFINED TO THE HOME" REQUIREMENTS FOR HOME HEALTH SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395f(a); 42 USC 1395hh

CFR Citation: 42 CFR 409.42

Legal Deadline: None

Abstract: This proposed rule would clarify when a home health patient would be considered "confined to the home" in order to receive home health benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938–AE34

966. PAYMENT ADJUSTMENTS FOR HOSPITALS THAT SERVE A DISPROPORTIONATE NUMBER OF LOW-INCOME PATIENTS

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(13)(A); 42 USC 1396r-4

CFR Citation: 42 CFR 412; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This rule would establish the requirements and options for Medicaid payments to hospitals that serve a disproportionate number of low-income patients with special needs. The Medicaid agency would be required to make payment adjustments to these hospitals when such hospitals have met specified conditions. The rule would also simplify and clarify the rules that apply to these hospitals under the Medicare program, some of which are incorporated by reference in the Medicaid rules.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Special Reimbursement Programs, Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 ELR, 6325 Security Boulevard, Baltimre, MD 21207, **301 966-4576**

RIN: 0938–AE35

967. MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS) PERFORMANCE REVIEW, NOTIFICATION PROCEDURES FOR CHANGES

Legal Authority: 42 USC 1302; 42 USC 1320b-7; 42 USC 1396a(a)(4); 42 USC 1396a25; 42 USC 1396a(a)45; 42 USC 1396b(a)(3); 42 USC 1396b(d)(2); 42 USC 1396b(d)(5); 42 USC 1396b(o); 42 USC 1396b(p); 42 USC 1396b(r); 42 USC 1396k

CFR Citation: 42 CFR 433.123

Legal Deadline: None

Abstract: This proposal would eliminate the requirement that HCFA publish in the Federal Register a proposed notice with opportunity for public comment and then a final notice for any changes in MMIS requirements, performance standards and other conditions for approval and reapproval. Instead we would use well established communication arrangements under which States provide input during the development of revisions, and we would issue revised manual instructions well in advance of implementation changes. This change will increase the efficiency of the administrative process by eliminating lengthy time frames associated with a formal notice and comment procedure thus allowing an expeditious means of developing and communicating changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AE36

968. HOME HEALTH AGENCIES: DEFINITIONS OF "INTERMITTENT" AND "PART-TIME" NURSING CARE AND HOME HEALTH AIDE SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395f(a)(2)(C); 42 USC 1395n(a)(2)(A); 42 USC 1395x(m)(1); 42 USC 1395hh

CFR Citation: 42 CFR 409.41; 42 CFR 409.42

Legal Deadline: None

Abstract: This proposed rule would define the terms "intermittent" and "part-time" nursing care and or home health aide services furnished to a Medicare patient by a home health agency.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE37

969. MEDICAID PAYMENT OF MEDICARE COST SHARING FOR QUALIFIED MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1396a(a)(10)(E); Clause VIII of the matter following 42 USC 1396a(a)(10)(E); 42 USC 1396a(e)(8); 42 USC 1396a(m)(4); 42 USC 1396a(n); 42 USC 1396b(f)(4); 42 USC 1396d(a); 42 USC 1396d(p); 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435; 42 CFR 436; 42 CFR 441.256; 42 CFR 447.600 to 447.620; 42 CFR 447.51; 42 CFR 447.53

Legal Deadline: None

Abstract: These rules would propose to require States to include in their State plans payment of Medicare cost-sharing for low income Medicare beneficiaries, Qualified Medicare Beneficiaries (QMB). The territories have the option to do the same. We would define cost-sharing, specify criteria for determining QMB status, propose requirements and options for payment amounts and limitations, and provide for Federal financial participation in State payments for Medicare cost-sharing on behalf of QMBs. The changes would implement provisions of the Medicare Catastrophic Coverage Act of 1988 as modified by the Family Support Act of 1988 and the Technical and Miscellaneous Revenue Act of 1988. Under the above legislation. These provisions went into effect January 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director Division of Medicaid Eligibility, Policy DHHS HCFA, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg, 6325 security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AE38

970. SURVEY OF HOME HEALTH AGENCIES (HHAS) AND ALTERNATIVE SANCTIONS FOR HHAS AND PROVIDERS OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395w-2; 42 USC 1395bbb; 42 USC 1395hh

CFR Citation: 42 CFR 442; 42 CFR 488; 42 CFR 489; 42 CFR 498

Legal Deadline: None

Abstract: These rules would establish requirements for periodic, unannounced surveys of home health agencies, and specify a number of sanctions that could be used, when a home health agency is out of compliance with Federal requirements, as an alternative to terminating its participation in the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Irene Gibson, Chief, Survey & Certification Procedures, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, **301 966-6768**

RIN: 0938–AE39

971. HOSPITAL STANDARD FOR HIV INFECTIOUS BLOOD

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(e)(9)

CFR Citation: 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would require hospitals or blood banks providing services to hospitals to notify either each recipient or each recipient's physician when potentially HIV infectious blood has been administered, and to offer each recipient counseling and testing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-5660**

RIN: 0938–AE40

972. HOME AND COMMUNITY BASED SERVICES WAIVERS FOR DRUG DEPENDENT OR AIDS INFECTED CHILDREN

Legal Authority: 42 USC 1396n(e); 42 USC 1302

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This rule proposes to permit States to offer, under a waiver program an array of services to drug dependent children or children who test positive for infected with the etiologic agent for acquired immune deficiency syndrome (AIDS). Such drug dependent or AIDS-infected children's waivers, as authorized by section 411(k)(17) of the Medicare Catastrophic Coverage Act of 1988, allow Federal payment for the provision of noninstitutional services to those children if they are under 5 years of age and for whom adoption or foster care assistance is (or will be) made available under Part E of Title IV of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE44

973. OFFSET OF MEDICARE PAYMENTS TO INDIVIDUALS TO COLLECT PAST DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACTS

Legal Authority: 42 USC 1302; 42 USC 1395ccc; 42 USC 1395hh

CFR Citation: 42 CFR 405.640

Legal Deadline: None

Abstract: This proposed rule sets forth the procedures to be followed for collection of past due amounts owed by individuals who breached contracts under certain scholarship and loan programs. The regulation would implement section 4052 of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
Proposed	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin Dunkleberger, Division of Overpayment Prevention, Performance Monitoring Branch, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd, Baltimore, MD 21207, **301 966-7519**

RIN: 0938–AE45

974. CLINICAL LABORATORIES CLIA '88 REQUIREMENTS

Significance: Regulatory Program

Legal Authority: PL 100-578 Section 353 of the Public Health Service Act; 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: Historically the Department has regulated laboratories by "location," rather than by types of tests they perform. Amendments to the Clinical Laboratories Improvements Act of 1988 changes this approach. The amendments require that the Department "regulate by test," using what is commonly referred to as the "complexity model." This proposed rule would set forth standards for all laboratories based on complexity. It will also seek public comments on the proposed standards as well as ask for suggestions and alternatives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, 2-D-2 ME, Baltimore, Maryland 21207, **301 966-6763**

RIN: 0938–AE47

975. ● CONDITIONS OF COVERAGE FOR ORGAN PROCUREMENT ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1320b-8; 42 USC 1395hh

CFR Citation: 42 CFR 485

Legal Deadline: None

Abstract: This proposed rule sets forth changes to the conditions of coverage for organ procurement organizations (OPOs). It deals with the definition of an OPO service area, expansion of the qualifications for the Board of Directors, OPO assistance to be provided to hospitals in establishing and implementing protocols governing organ procurement activity, establishing criteria for allocating organs, and organ testing for AIDS.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Powell, Program Analyst, Division of Medical, Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-9671

RIN: 0938–AE48

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976. ● PREADMISSION SCREENING AND ANNUAL RESIDENT REVIEW

Legal Authority: PL 100-203

CFR Citation: 42 CFR 483

Legal Deadline: NPRM, Statutory, March 19, 1990.

Abstract: This proposed rule would implement two provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub. L. 100-203. The provisions include: (1) State requirements for preadmission screening and annual resident review of individuals with mental illness or mental retardation who are applicants to or residents of nursing facilities that are certified for Medicaid; and (2) appeals systems for persons who may be transferred or discharged from facilities or who wish to dispute a determination made in the preadmission screening and annual review process.

Timetable:

Action	Date	FR Cite
NPRM	03/23/90	55 FR 10951
NPRM Comment Period End	05/22/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4620

RIN: 0938–AE49

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977. ● NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395i-3(a)(b)(e)(f); 42 USC 1396r(a)(b)(e)(f)

CFR Citation: 42 CFR 431; 42 CFR 483

Legal Deadline: NPRM, Statutory, March 19, 1990.

Abstract: This rule proposes that States establish training and competency evaluation programs that meet Federal requirements for nurse aides employed by Medicare and Medicaid participating nursing facilities, and also have a nurse aide registry. The purpose of these provisions is to ensure that nurse aides have the education, practical knowledge, and skills needed to care for residents of nursing facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/23/90	55 FR 10938
NPRM Comment Period End	05/22/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4620

RIN: 0938–AE50

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978. ● EXTENDED MEDICAID ELIGIBILITY AND MEDICAID FOR TWO PARENT FAMILIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; Social Security Act Section 1925; 42 USC 1396r(b)

CFR Citation: 42 CFR 435.1; 42 CFR 435.112; 42 CFR 435.115

Legal Deadline: None

Abstract: The proposed regulation would revise current regulations to reflect that participants in work supplement programs are deemed to be AFDC recipients under the State plan when members of the family meet the same AFDC requirements that are met by families with no work supplementation participant; to provide extended Medicaid benefits to certain families when they become ineligible for AFDC solely because of increased earnings from, or hours of, employment; and to revise certain conditions of eligibility that minor parents and pregnant minors must meet before receiving Medicaid benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard Coyne, Chief, Medicaid Eligibility Policy Br., Department of Health and Human Services, Health Care Financing Administration, Room 440 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4453

RIN: 0938–AE51

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979. ● PAYMENT FOR EPOETIN (EPO) FURNISHED TO ESRD PATIENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(s); 42 USC 1395rr; 42 USC 1395hh; 42 USC 1395y(a)(1)(A)

CFR Citation: 42 CFR 410.50(c); 42 CFR 410.50(a); 42 CFR 413.170(c)(5)

Legal Deadline: None

Abstract: This rule proposes coverage criteria and payment methodology for the drug Epoetin Alta (EPO). The FDA approved EPO on June 1, 1989. Medicare covers EPO for the treatment of anemia for patients with end-state renal disease (ESRD) or chronic renal failure who are not on dialysis. EPO stimulates the bone marrow to make new red blood cells and prevents the need for blood transfusions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Bernadette Schumaker, Director, Division of Dialysis & Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5, ELR, 6325

Security Boulevard, Baltimore, Maryland 21207, **301 966-4567**

RIN: 0938–AE52

980. ● REVISION TO THE MEDICARE ECONOMIC INDEX AND UPDATE FOR CALENDAR YEAR 1991

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(4); 42 USC 1302; 43 USC 1395hh

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This proposed notice updates the Medicare Economic Index (MEI) which is used to calculate the prevailing charge levels that help to determine reasonable charges for physician charges under Medicare for services furnished on or after January 1, 1991 and before January 1, 1992. In addition, this proposed notice would revise MEI methodology to approximately and equitably reflect economic changes in the provision of physician services to Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 955-4497**

RIN: 0938–AE54

981. ● CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1991 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 412; 42 CFR 413

Legal Deadline: NPRM, Statutory, May 1990. Final, Statutory, September 1990.

Abstract: This proposed rule makes revisions to the inpatient hospital prospective payment system. It also includes changes in the methods, amounts and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1991.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4529**

RIN: 0938–AE56

982. ● CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 412.2(c); 42 CFR 412.1; 42 CFR 412.63; 42 CFR 412.65; 42 CFR 412.67(d); 42 CFR 412.68; 42 CFR 412.82; 42 CFR 412.84; 42 CFR 412.92; 42 CFR 412.106; 42 CFR 412.113(a); 42 CFR 412.118; 42 CFR 412.214; 42 CFR 413.5; 42 CFR 413.130 to 154; ...

Legal Deadline: None

Abstract: This regulation is intended to amend the Medicare regulations to incorporate capital costs into the inpatient hospital prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Rees, Branch Chief, Payment Determination Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4536**

RIN: 0938–AE59

983. ● ENFORCEMENT OF LABORATORY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395w-2; PL 100-578; 42 USC 263a; 42 USC 1395hh

CFR Citation: 42 CFR 488; 42 CFR 489; 42 CFR 498

Legal Deadline: None

Abstract: These proposed rules would set forth the policies and procedures that HCFA follows in enforcing the requirements of P.L. 100-578, the Clinical Laboratories Improvement Amendments of 1988 (CLIA). In general, CLIA requirements are imposed on all laboratories that perform evaluation of human tissue. The rule also proposes modifications to the conditions under section 1846 of the Social Security Act that laboratories must meet to be approved for Medicare coverage of their services.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Rhonda Whalen, Chief, Laboratory and Home Health Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6801**

RIN: 0938–AE60

984. ● MINIMUM DATA SET FOR NURSING FACILITY RESIDENT ASSESSMENT CARE SCREENING

Legal Authority: PL 100-203, Sec 4201 to 4211; 42 USC 1395i-3; 42 USC 1396r; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 483

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Sections 4201(b)(3) and 4211(b)(3) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) require that in order for an institution to qualify to participate as a skilled nursing facility in the Medicare program, and, before October 1, 1990, as a skilled nursing facility or as an intermediate care facility in the Medicaid program, and effective October 1, 1990, as a nursing facility in the Medicaid program, it must conduct a comprehensive, standardized assessment of each resident's capability to perform daily life functions. The assessment must also describe

significant impairments in the resident's functional capacity and be based on a uniform minimum data set specified by the Secretary. Sections 4201(f)(6)(A) and 4211 (f)(6)(A) of Pub. L. 100-203 require the Secretary to specify a minimum data set of core elements and common definitions for use by nursing facilities in conducting the assessments. This proposed rule would specify this minimum data set and establish guidelines for using it.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alan Friedlob, Chief, Nursing Homes Branch, Division of Long-Term Care, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6776

RIN: 0938–AE61

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985. ● CRITERIA FOR ACCREDITATION PROGRAMS UNDER THE CLINICAL LABORATORIES IMPROVEMENT AMENDMENTS OF 1988

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: On October 31, 1988, Pub. L. 100-578 amended section 353 of the Public Health Service Act. The amendments (the Clinical Laboratories Improvement Act of 1988), in section 353(e) of the Public Health Service Act, provided laboratories with the option of meeting Federal certification requirements through accreditations by an approved accrediting body. Laboratories in States that have standards equal to or more stringent that those of section 353 of the Public Health Service Act would also be exempt from Federal standards. A laboratory accredited under an approved laboratory accreditation program or licensed in an approved State licensures program would be deemed to meet Federal certification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Irene Gibson, Deputy Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6768

RIN: 0938–AE62

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986. ● HMO/CMP DISENROLLMENT, CONTRACT TERMINATIONS AND OTHER PROVISIONS

Legal Authority: 42 USC 1302; 42 USC 1395l; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395mm

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This proposed rule would permit HCFA to immediately terminate an HMO or CMP contract to protect Medicare enrollees; require that Medicare enrollees or risk-based HMOs or CMPs identifier placed on their Medicare card showing risk HMO enrollment; provide certain coverage under supplemental insurance after non-renewal or termination of a Medicare HMO or CMP contract; and set forth conditions under which Medicare enrollees would be permitted to retroactively disenroll from risk contracting HMOs or CMPs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carlos Zarabozo, Special Assistant, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, 202 245-0815

RIN: 0938–AE63

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987. ● CONFORMING PROVISIONS FOR 1988 HMO AMENDMENTS

Legal Authority: PL 100-517

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This proposed rule would conform existing regulations to sections 5(b), 6(a), and 7 of the Health Maintenance Organization (HMO) Amendments of 1988 (Pub. L. 100-517). It would prohibit employee contributions from financially discriminating against HMO enrollees and would repeal the requirement that employees, under certain circumstances, offer federally qualified HMOs to their employees effective October 24, 1995. It would eliminate the requirement that one-third of a HMO's policymaking body be HMO enrollees and would make permanent the provision that HMOs are required to provide only those organ transplants that were required as basic Health Services prior to April 15, 1985.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Braendel, Special Assistant, Policy Planning and Liaison Staff, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, 202 245-0789

RIN: 0938–AE64

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988. ● COST LIMITS FOR HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1395mm(h)

CFR Citation: 42 CFR 417.532

Legal Deadline: None

Abstract: On October 31, 1989, HCFA Ruling 89-2 announced that 42 CFR 417.532(a)(3) is inconsistent with the interpretation adopted by the Federal courts with respect to HCFA's underlying statutory authority to impose cost limits. Consequently, we are not applying the absolute cost limit contained in the regulation to cost reports submitted by HMOs or CMPs under section 1876(h) of the Social Security Act. This proposed rule would establish cost limit criteria applicable to HMOs and CMPs that would assure

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that claims for reasonable costs incurred by HMOs and CMPs with cost contracts are not inappropriately denied.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Elisabeth Handley, Acting Director, Policy Planning an Liaison Staff, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 4406 Cohen Building, 330 Independence Ave., SW., Washington, DC 20201, **202 245-0065**

RIN: 0938–AE65

989. ● HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS; COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(c)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This rule would implement section 6206(b) of Pub. L. 101-239. If a risk-sharing HMO or CMP's contract is terminated, those HMOs or CMPs that are risk-sharing and serve a part of the same service area as the terminated organization would be required to have a coordinated open enrollment period for persons who were enrolled in the terminated organization.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AE69

990. ● EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(43); 42 USC 1396d(r); 42 USC 1302

CFR Citation: 42 CFR 441.50; 42 CFR 440.40

Legal Deadline: None

Abstract: Section 6403 of the Omnibus Budget Reconciliation Act of 1989 defines in new section 1905(r) of the Social Security Act the following EPSDT services: screening services, vision services, dental services and hearing services. It also extends EPSDT services to include such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and illnesses and conditions discovered by the screening services whether or not the services are covered under the State plan. Section 6403 also amended section 1902(a)(43) of the Act to require States to report to the Secretary certain information about EPSDT services provided under the plan during each fiscal year. This proposed rule would set forth requirements to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore,Maryland 21207, **301 966-4607**

RIN: 0938–AE72

991. ● CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412

Legal Deadline: None

Abstract: Section 4006 of Pub. L. 100-203 requires the Secretary to pay for a hospital's costs for capital under the prospective payment system beginning with cost reporting periods starting in FY 1992 using a per discharge weight classification approach, which may include an area construction cost index, an exceptions process, or an occupancy rate adjustment. This proposal would solicit comments on our recommended payment approach.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4529**

RIN: 0938–AE74

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Health Care Financing Administration (HCFA)

992. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This final rule amends the regulations for determining Medicaid eligibility. The amendments implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982, the

Omnibus Budget Reconciliation Act of 1987 and the Medicare Catastrophic Coverage Act of 1988. The amendments also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39421
NPRM Comment Period End	11/27/89	54 FR 39421
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AA58

993. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1302; 42 USC 1396a(e)(2); 42 USC 1396b(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None

Abstract: This rule revises current Medicaid rules to reflect statutory authority of the Secretary (1) to permit certain health maintenance organizations (HMOs) to exceed the composition of enrollment limit, (2) to allow certain organizations that might not otherwise be permitted to do so to contract on a risk basis, (3) to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and (4) to give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations to incorporate authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/12/88	53 FR 744
NPRM Comment Period End	03/14/88	53 FR 744
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AB54

994. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations will implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of payment for these services. This rule sets forth the conditions under which physicians in teaching settings will be paid on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule will also clarify related issues of physician payment.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB61

995. MEDICARE/MEDICAID REVALUATION OF ASSETS

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 413.153; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None

Abstract: This final rule implements changes to the regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitation on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment Period End	12/28/87	52 FR 39927
Final Action	11/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5

ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AB64

996. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.72

Legal Deadline: None

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Rees, Branch Chief, Payment Determination Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4536**

RIN: 0938–AB71

997. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive criteria for evaluating States' good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Kathy Rama, Chief, Eligibility Assessment Branch, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 273 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5929**

RIN: 0938–AB85

998. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263a; PL 100-578

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27; 42 CFR 74; 42 CFR 405.556; 42 CFR 405.2102; 42 CFR 405.2171; 42 CFR 416.49; 42 CFR 440.30; 42 CFR 483.460; 42 CFR 488.52

Legal Deadline: None

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. One consequence is that the quality of laboratories' services is adjudged using different standards. Inconsistent standards not only create confusion regarding necessary performance levels, but may permit laboratories with substandard performance to continue furnishing covered services. This rule will amend the requirements to improve the quality of laboratory services. It will provide recognition of new technologies in laboratory quality assurance, and refine outcome measures of performance. Also, this rule will provide consistent criteria for an effective proficiency testing program for Medicare, Medicaid, and CLIA laboratories.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29590
NPRM Comment Period End	11/03/88	53 FR 29590
Final Action with Comment Period	03/14/90	55 FR 9538
Final Action Comment Period End	05/14/90	55 FR 9538
Final Action Effective	09/10/90	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Blvd., Baltimore, MD 21207, **301 966-6763**

RIN: 0938–AB96

999. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.310(a); 42 CFR 405.310(e); 42 CFR 405.310(k); 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.32; 42 CFR 410.63

Legal Deadline: None

Abstract: This final rule implements section 2323 of P.L 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The final rule would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34244
NPRM Comment Period End	11/09/87	52 FR 34244
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **David Higbee**, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AC07

1000. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None

Abstract: This final rule amends and clarifies the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule amends and clarifies the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22028
NPRM Comment Period End	08/12/88	53 FR 22028
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: **Barbara Wynn**, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4529**

RIN: 0938–AC40

1001. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1396n(c); 42 USC 1302

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this rule would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: **Thomas Hoyer**, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC55

1002. PAYMENT FOR PHYSICIAN OUTPATIENT MAINTENANCE DIALYSIS SERVICES AND OTHER PHYSICIAN SERVICES FOR ESRD PATIENTS

Legal Authority: 42 USC 1395rr; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 413; 42 CFR 414

Legal Deadline: None

Abstract: This rule is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of payment for physician's dialysis services. We also are clarifying and modifying some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services paid for under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37176
NPRM Comment Period End	12/04/87	52 FR 37176
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Robert Niemann**, Program Analyst, Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4569**

RIN: 0938–AC57

1003. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1903; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR

489.53; 42 CFR 1001.202; 42 CFR 1001.203; 42 CFR 1001.211; 42 CFR 1001.221; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; ...

Legal Deadline: None

Abstract: This final rule will require Medicare participating hospitals with emergency departments to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Further, a participating hospital that has specialized capabilities or facilities (such as burn, shock trauma, or neonatal intensive care units) must accept appropriate transfer if they have the capacity to treat the individual. Hospitals failing to meet those requirements may have their Medicare provider agreements terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals are required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 233 of PL 99-576, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Action	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC58

1004. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(10)(A)(i)(II); 42 USC 1396a(o); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733

Legal Deadline: None

Abstract: This final rule amends the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of Section 1619 of the Social Security Act. It also specifies how States electing the option under Section 1902(f) of the Social Security Act to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also specifies how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/88	53 FR 15857
NPRM Comment Period End	07/05/88	53 FR 15857
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AC82

1005. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); PL 99-272, Sec 9403; PL 99-509, Sec 9353(c); PL 100-203, Sec 4096(a)(1)(A); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100; 42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: None

Abstract: The purpose of this final rule is to implement section 9403 of PL 99-272, 9353(c) of PL 99-509,and section 4096(a)(1)(A) of PL 100-203. Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services will be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9353(c) of PL 99-509, PROs will conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Under PL 100-203 beneficiaries are protected from liability for the cost of physician services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment Period End	03/20/89	54 FR 1956
Final Action	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6880**

RIN: 0938–AC84

1006. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS, INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS, AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302; 42 USC 1395l

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 405.376; 42 CFR 413.5(c)(3); 42 CFR 405.371; 42 CFR 405.372; 42 CFR 405.373; 42 CFR 405.375

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds; and (4) permitting interest on overpayments and underpayments to be assessed at the higher of the private consumer rate or the current value of funds rate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Goeller,** Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC99

1007. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.301; 42 CFR 405.303; 42 CFR 405.305; 42 CFR 405.307; 42 CFR 405.309

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are properly covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sam DellaVecchia,** Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-5316**

RIN: 0938–AD07

1008. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None

Abstract: These revisions will require hospitals to provide a discharge planning process. They will conform our regulations to the requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Robert Wren,** Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AD11

1009. REQUIREMENTS FOR LONG TERM CARE FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c); 42 USC 1302; 42 USC 1395hh; 42 USC 1395i-3; 42 USC 1396r

CFR Citation: 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75

Legal Deadline: None

Abstract: A sizable number of commenters offered their views on our final rule published February 2, 1989, (54 FR 5316). These rules would incorporate any changes made as a result of evaluating these comments. We also make several minor technical corrections to terminology and cross-references to existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38582
NPRM Comment Period End	01/14/88	52 FR 38582
Final Rule	02/02/89	54 FR 5316
Final Rule Comment Period End	05/03/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: **Samuel Kidder,** Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, East High Rise Bldg., 6325 Security

Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD12

1010. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417.444; 42 CFR 417.597

Legal Deadline: None

Abstract: This rule revises Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; require HMOs/CMPs to provide additional information to Medicare beneficiaries and annual notice of HMP/CMP enrollees' rights; add a provision to terminate a contract for noncompliance with the composition of enrollment standard requiring that no more than 50 percent of an organization's membership be comprised of Medicare or Medicaid enrollees, and authorize sanctions when organizations fail to comply with the 50/50 rule or the terms of waivers or exceptions to that rule.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27718
NPRM Comment Period End	09/20/88	53 FR 27718
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: **Joan Mahanes**, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4642**

RIN: 0938–AD14

1011. ELIGIBILITY OF ALIENS FOR MEDICAID

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201; PL 99-509, Sec 9406

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3; 42 CFR 436.128; ...

Legal Deadline: None

Abstract: This rule revises Medicaid regulations applicable for aliens who meet eligibility requirements as categorically needy or medically needy. It establishes in the regulations that aliens lawfully admitted for permanent residence or permanently residing in the United States under color of law may be eligible for all Medicaid services. It also identifies those aliens who may be eligible only for limited services.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 38032
NPRM Comment Period End	11/28/88	53 FR 38032
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Marinos T. Svolos**, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD15

1012. MEDICAID: ELIGIBILITY GROUPS, EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: OBRA '87, COBRA, AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)(B); 42 USC 1396a(e)(3)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule will amend the Medicaid regulations to incorporate numerous eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; certain disabled children being cared for at home; and qualified children. The rule will also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments will conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7798
NPRM Comment Period End	04/24/89	54 FR 7798
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: **Marinos Svolos**, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD16

1013. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)(ll); 42 USC 1395l(l); 42 USC 1395x(bb); PL 100-360; PL 100-485

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: None

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount will be equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist; or 80 percent of the actual charge. CRNAs will be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for services of CRNAs where an

employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3803
NPRM Comment Period End	03/27/89	54 FR 3803
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD25

1014. WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY AND RADIOGRAPHIC ABSORPTIOMETRY AND CONTINUED NONCOVERAGE OF DUAL PHOTON ABSORPTIOMETRY

Legal Authority: 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry and radiographic absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/08/88	53 FR 34898
Public Comment Period End	11/07/88	53 FR 34898
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5316**

RIN: 0938–AD28

1015. MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1396b(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44; 42 CFR 434.2

Legal Deadline: None

Abstract: The final rule will describe the conditions under which a Health Insuring Organization (HIO) is subject to certain Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO requirements are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The exemptions which are based on section 1915(b) waivers last only until the expiration of the waiver.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32406
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5661**

RIN: 0938–AD31

1016. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395x(w)(1); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3), of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4607**

RIN: 0938–AD33

1017. PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332; 42 USC 1395u; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.339

Legal Deadline: None

Abstract: This regulation implements Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which nonparticipating physicians who provide, on an unassigned basis, services which are determined to be medically unnecessary are required to

refund to the beneficiary any amounts collected for such services. Exceptions to the refund requirement will be granted only if the physician did not know and could not reasonably have been expected to know that the service was not covered, or if the beneficiary, after being informed that Medicare will not pay for the service, agreed to pay.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53025
NPRM Comment Period End	02/28/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Elmer Smith**, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5648**

RIN: 0938–AD34

1018. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30); 42 USC 1395cc(a); 42 USC 1302

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 42 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for reimbursement of costs incurred by hospitals for photocopying medical records needed by PROs during offsite reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: **Richard Husk**, Director, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, **301 966-6850**

RIN: 0938–AD38

1019. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395bbb

CFR Citation: 42 CFR 484

Legal Deadline: Final, Statutory, October 1, 1988.
Minimum standards for home health aide training and competency evaluation programs must, pursuant to P.L. 100-203, be established by October 1, 1988.

Abstract: These regulations specify requirements for home health agencies for: protecting and promoting patient rights; training and competency of home health aides; notifying State entities responsible for the licensing or certification of HHAs of changes in ownership, managing employees, and managing organizations; including an individual's plan of care as part of the individual's clinical records; and operating and furnishing services in compliance with accepted professional standards and principles that apply to professionals furnishing home health services.

Timetable:

Action	Date	FR Cite
Effective Date	07/01/89	
Final With Comment Period	08/14/89	54 FR 33354
Comment Period End	10/13/89	54 FR 33354
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Thomas Hoyer**, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD45

1020. PROTOCOL FOR THE REUSE OF DIALYSIS BLOODLINES

Legal Authority: 42 USC 1395rr(a)(7); 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395x; 42 USC 1395y(a)

CFR Citation: 42 CFR 405.2150(d)

Legal Deadline: None
While the Secretary is not required to publish a regulation, ESRD facilities will not otherwise be permitted to re-use bloodlines after June 30, 1988.

Abstract: This rule would establish standards for safe and effective reuse of bloodlines. The statute forbids ESRD facilities to reuse bloodlines beginning July 1, 1988, unless the Secretary has established and the facilities follow accepted protocols for their reuse. The protocols would be incorporated into conditions of coverage.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28236
NPRM Comment Period End	09/26/88	53 FR 28236
Final Action	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: **Rita McGrath**, Chief, Alternate Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Room 469 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4635**

RIN: 0938–AD52

1021. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735;

42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 400.203; 42 CFR 440.1; 42 CFR 440.181

Legal Deadline: Final, Statutory, October 1, 1989.
Regulation must be promulgated containing methodology. Section 1915(d)(5)(B)(iii)

Abstract: This regulation will implement section 1915(d) of the Act. These rules would allow a State to provide skilled nursing facility (SNF), intermediate care facility (ICF), and home and community-based services to individuals 65 years of age and older, in exchange for a "cap" on the amount of money for which Medicaid Federal financial participation would be available. The program would be administered by means of waivers which a State could request. As currently constructed, the statute allows for waivers of statewideness, comparability, and income deeming. Home and community-based services could be made available to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in an SNF or ICF, the cost for which could be paid by Medicaid. For States electing this option, the waiver would replace the home and community-based services waivers available under section 1915(c) of the Act, for individuals in this age category.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Comment Period	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD55

1022. FEE SCHEDULES FOR RADIOLOGIST SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(1)(J); 42 USC 1395m(b); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4049; PL 100-360

CFR Citation: 42 CFR 405.501; 42 CFR 405.520; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555

Legal Deadline: NPRM, Statutory, August 1, 1988.

Abstract: As a result of provisions included in section 4049 of PL 100-203, we are setting forth a fee schedule for radiology services furnished by a board-certified or board eligible radiologist or by a physician whose charges for radiology services account for 50 percent or more of his or her total Medicare charges. These physicians will be paid at 80 percent of the lower of the actual charges or the appropriate fee schedule amount. The fee schedule amount for a nonparticipating physician will be 95 percent of the amount applicable to a participating physician. In addition, a nonparticipating physician's charges to beneficiaries will be capped. The proposed fee schedule will result in overall payment to physicians for radiology of 3 percent less than would have occurred without a fee schedule. The fee schedule will be updated annually in accordance with the annual increase in the Medicare Economic Index.

Timetable:

Action	Date	FR Cite
Interim Rule with Comment Period	03/02/89	54 FR 8994
Effective date	04/01/89	
Comment Period End	05/01/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD62

1023. UNIFORM RELATIVE VALUE GUIDE FOR ANESTHESIA SERVICES FURNISHED BY PHYSICIANS

Legal Authority: PL 100-203, Sec 4048(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395u(b)(13)

CFR Citation: 42 CFR 405.553

Legal Deadline: Final, Statutory, January 1, 1989.
Under section 4048(b) of PL 100-203 the relative value guide is to be used for physician anesthesia services furnished on or after 01/01/89.

Abstract: This final rule will establish a relative value guide for use in all carrier localities in making payment for anesthesia services furnished by physicians under Medicare Part B. This rule will implement section 4048(b) of PL 100-203. The proposed relative value guide is designed to ensure that payments using the guide do not exceed the amount that would have been made under the current payment system. Although the statute requires that the uniform relative value guide be effective for services furnished on or after January 1, 1989, we are delaying the effective date until March 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3794
NPRM Comment Period End	02/27/89	54 FR 3794
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD63

1024. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n)

CFR Citation: 42 CFR 405.502; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226;

42 CFR 414.228; 42 CFR 414.230; 42 CFR 410.36; 42 CFR 410.38; 42 CFR 414.232

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of Pub. Law No. 100-203. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices as required by section 4062 of Pub. Law No. 100-203. The new payment rates are to be effective for items provided on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Comment Period	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director of Medical Services Reimbursement, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD65

1025. PAYMENT FOR OUTPATIENT SURGERY AT EYE SPECIALTY HOSPITALS AND EYE AND EAR SPECIALTY HOSPITALS

Legal Authority: 42 USC 1395l(i)(3)(B)(ii); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.118

Legal Deadline: None

Abstract: In accordance with section 4068(a) of PL 100-203, we will revise the payment provisions concerning hospital outpatient services furnished in connection with ambulatory surgical procedures for certain qualified eye hospitals and eye and ear hospitals. For cost reporting periods beginning on or after October 1, 1988 and before October 1, 1990, the blended payment amount applicable to these hospitals remains at 75 percent of the hospital-specified amount and 25 percent of the ambulatory surgical center amount.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3818
NPRM Comment Period End	03/27/89	54 FR 3818
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD76

1026. SWING-BED PROGRAM CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 413; 42 CFR 424; 42 CFR 482; 42 CFR 483

Legal Deadline: None

Abstract: This rule makes technical corrections to the Medicare provisions that expanded the swing bed program to rural hospitals with less than 100 beds and added conditions for payment for extended care services furnished by hospitals with 50-99 beds.

Timetable:

Action	Date	FR Cite
Final With Comment Period	09/07/89	54 FR 37270
Effective Date	10/10/89	
Comment Period End	11/06/89	54 FR 37270
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD83

1027. SECOND SURGICAL OPINION REQUIREMENTS FOR MEDICAID RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 456.700; 42 CFR 456.703; 42 CFR 456.705; 42 CFR 456.707; 42 CFR 456.709; 42 CFR 456.711; 42 CFR 456.713; 42 CFR 456.715; 42 CFR 456.721; 42 CFR 456.723; 42 CFR 456.729

Legal Deadline: None

Abstract: These regulations require each Medicaid plan to include a program for second surgical opinions for certain surgical procedures. This program is aimed at preventing unnecessary surgery and improving patient awareness of all treatment options, where alternatives to surgery are available. These regulations cannot be published earlier than 180 days after the Secretary's submission of a report to Congress as required by OBRA 86. That report was submitted on June 16, 1989.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	51 FR 21933
NPRM Comment Period End	07/17/86	51 FR 21933
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD86

1028. CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Legal Authority: 42 USC 1395x(r); 42 USC 1395l; 42 USC 1395x(s); 42 USC 1395y; 42 USC 1395x(e); 42 USC 1395r; 42 USC 426; 42 USC 1396d; 42 USC 1396n; 42 USC 1396b; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 424; 42 CFR 430; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; ...

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self-executing provisions of the Omnibus Budget

Reconciliation Act of 1987. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language. Under the Medicare program's rules changes are made affecting: services of podiatrists; outpatient psychiatric services; SMI premiums; partial hospitalization; and comprehensive outpatient rehabilitative facility services. Under the Medicaid program changes are made affecting; services of dentists; clinic services; and waivers of certain State plan requirements. In addition, we make other conforming and transitional amendments.

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Luisa V. Iglesias,** Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418H Hubert H. Humphrey Bldg., 200 Independence Avenue, SW., Washington, DC 20201, **202 245-0343**

RIN: 0938–AD92

1029. DIAGNOSIS CODES ON PHYSICIAN BILLS

Legal Authority: 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: We will require that each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule implements certain provisions of section 202(g) of Pub. L. 100-360.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30558
NPRM Comment Period End	09/19/89	54 FR 30558
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Pat Brooks,** Director, Medical Coding Policy Staff, Department of Health and Human Services, Health Care Financing Administration, 1J2 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5318**

RIN: 0938–AE06

1030. MMIS SYSTEM PERFORMANCE REVIEW REVISIONS

Legal Authority: 42 USC 1396b(v); 42 USC 1302

CFR Citation: 42 CFR 433.112; 42 CFR 433.123

Legal Deadline: None
Six months after enactment of Section 9503 of Pub. L. 99-272 (April 7, 1986) for only new TPL standard.

Abstract: This notice will revise the scoring and format of the system performance review of the Medicaid Management Information System (MMIS); it will also contain a new standard.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/30/89	54 FR 27755
Comment Period End	08/29/89	54 FR 27755
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Frederick Harris,** Program Analyst, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 996-5907**

RIN: 0938–AE16

1031. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F)

CFR Citation: 42 CFR 416.130

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: This notice sets forth the annual updated payment rates for ambulatory surgical center services.

Timetable:

Action	Date	FR Cite
End of Comment Period on Notice	04/09/90	
Final Notice	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Charles Booth,** Director, Office of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4487**

RIN: 0938–AE29

1032. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES EFFECTIVE JULY 1, 1990

Significance: Agency Priority

Legal Authority: 42 USC 1395k(a)(2); 42 USC 1395l(i)

CFR Citation: 42 CFR 416.120; 42 CFR 416.130

Legal Deadline: NPRM, Statutory, July 1, 1990.

Abstract: This notice implements statutory provisions which require that the payment rates for ambulatory surgical center services be reviewed and updated annually, as appropriate.

Timetable:

Action	Date	FR Cite
Notice	06/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: **Bernard Patashnik,** Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AE53

1033. ● CHANGE IN PAYMENT FOR HOME DIALYSIS

Legal Authority: PL 101-239; 42 USC 1302; 42 USC 1395hh; 42 USC 1395rr(b)(7)

CFR Citation: 42 CFR 405.544

Legal Deadline: Final, Statutory, February 1, 1990.

HHS—HCFA

Final Rule Stage

Abstract: This final rule with comment period implements section 6203(b) of the Omnibus Budget Reconciliation Act of 1989 (Pub. L.101- 239), which limits the Medicare payment for home dialysis equipment and supplies furnished under method II (the method by which patients deal directly with a supplier). It requires that, for Medicare payments to be made to a supplier of home dialysis supplies and equipment when the patient's self-care home dialysis is not under the direct supervision of a Medicare approved renal dialysis facility, the patient must certify that the supplier is the sole supplier of his or her dialysis supplies and equipment. In addition, the supplier must agree to receive payment on an assignment basis only and must certify that it has entered into a written agreement with an approved dialysis facility under which the facility agrees to furnish the patient with all home dialysis services and all other necessary dialysis supplies and services.

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Niemann, Program Analyst, Division of Dialysis and Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4569**

RIN: 0938–AE55

1034. ● SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1990

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395x(v)(1); 42 USC 1395hh

CFR Citation: 42 CFR 413.30

Legal Deadline: Other, Statutory, June 29, 1990.

Abstract: This notice with comment period sets forth an updated schedule of limits on home health agency costs that may be reimbursed under the Medicare program. This updated schedule of limits will be applicable to cost reporting periods beginning on or after July 1990.

Timetable:

Action	Date	FR Cite
Final Notice with Comment Period	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Bill Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Boulevard, Baltimore,Maryland 21207, **301 966-4513**

RIN: 0938–AE57

1035. ● SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1990

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are paid under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1990. In addition, we would begin use of a data base composed of cost reporting data submitted through 1988.

Timetable:

Action	Date	FR Cite
Notice	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AE58

1036. ● PART A PREMIUM FOR THE UNINSURED AGED FOR 1991

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1990.

Abstract: This notice announces the amount of the monthly premium for uninsured Medicare beneficiaries for calendar year 1991. This amount is based on the formula in the statute.

Timetable:

Action	Date	FR Cite
Notice	10/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M1-1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE66

1037. ● MONTHLY ACTUARIAL RATES AND SUPPLEMENTARY MEDICAL INSURANCE PREMIUM RATE BEGINNING JANUARY 1 1991

Significance: Agency Priority

Legal Authority: 42 USC 1395r

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1990.

Abstract: This notice announces the monthly actuarial rates for aged (aged 65 and over) and disabled (under 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1991. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1991.

Timetable:

Action	Date	FR Cite
Notice	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carter Warfield, Director, Division of Supplementary Medical Insurance, Office of the Actuary, Department of Health and Human Services, Health Care Financing Administration, M1, 1705 Equitable Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6396**

RIN: 0938–AE67

1038. ● INPATIENT HOSPITAL DEDUCTIBLE FOR 1991 AND HOSPITAL AND SNF COINSURANCE AMOUNTS FOR 1991

Significance: Agency Priority

Legal Authority: 42 USC 1395e

CFR Citation: 42 CFR 409.82

Legal Deadline: Other, Statutory, September 15, 1990.

Abstract: This notice announces the inpatient hospital deductible for calendar year 1991 under Medicare's hospital insurance program. In addition, this notice announces both the hospital and skilled nursing coinsurance amounts for 1991. The Medicare statute specifies the formula that is used to determine these amounts.

Timetable:

Action	Date	FR Cite
Notice	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Salomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M1, 1705 Equitable Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE68

1039. ● PHYSICIAN PERFORMANCE STANDARD RATE OF INCREASE FOR FISCAL YEAR 1991

Significance: Regulatory Program

Legal Authority: PL 101-239 Sec. 6102; 42 USC 1302; 42 USC 1395w-4; 42 USC 1395hh

CFR Citation: None

Legal Deadline: None

Abstract: Section 6102 of Pub. L. 101-239 added section 1848 to the Social Security Act. Section 1848(f) requires the Secretary to recommend to the Congress acceptable performance standard rates of increase for expenditures and volume of physician services each fiscal year. This notice announces the performance rate of increase for FY 1991.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AE70

1040. ● TERMINATION OF MEDICARE COVERAGE OF CORRECTIVE EYEGLASSES FOR APHAKIC PATIENTS WITH INTRAOCULAR OR CONTACT LENSES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x(s)(8); 42 USC 1395hh; 42 USC 1395y(a)(l)(A)

CFR Citation: None

Legal Deadline: None

Abstract: This notice proposes to revise Medicare operating guidelines on "prosthetic devices" to delete from the listing of covered services, corrective eyeglasses for ophakic patients with intraocular or contact lenses, and contact lenses used in lieu of eyeglasses in combination with intraocular lenses. Available evidence shows that corrective eyeglasses and lenses provide the same retroactive benefit for aphakic individuals who have prosthetic intraocular lenses or contact lenses as they do for monapahakic individuals for whom corrective eyeglasses are not covered under Medicare. We are proposing to provide a uniform Medicare policy concerning the exclusion of eyeglasses from coverage.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Catastrophic and Medical Services Br., Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE71

1041. ● MID-YEAR 1990 LEGISLATIVE CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Legal Authority: PL 101-239, Sec 6003; PL 101-239, Sec 6011; PL 101-239, Sec 6015(a); PL 101-234, Sec 101; PL 100-360, Sec 104(c)

CFR Citation: 42 CFR 413

Legal Deadline: None

Abstract: This rule implements those portions of Pub. L. 101-239 that take effect on April 1, 1990 and concern eligibility and payment methodology for sole community hospitals, adjustments for disproportionate share hospitals, payments to Medicare- dependent rural hospitals, application of the wage index for rural counties whose hospitals are deemed urban and the target rate adjustments for excluded hospitals and units. In addition, this rule establishes reasonable cost payments for administering blood clotting factors to hemophiliacs who are hospital inpatients effective on or after June 19, 1990. This rule also includes changes concerning outlier thresholds and adjustments to the target rates which were in effect during 1989 as added by Pub. L. 100-360 and eliminated by Pub. L. 101-234.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Comment Period	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

HHS—HCFA **Final Rule Stage**

Government Levels Affected: Local, State

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-l ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4529**

RIN: 0938–AE73

1042. ● DEFINITION OF SURGICAL SERVICES

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 6102(j)

CFR Citation: None

Legal Deadline: Other, Statutory, May 1, 1990.
Section 6102(j) of PL 101-239 requires the Secretary to define surgical services and publish the definition of surgical services in the Federal Register no later than May 1, 1990.

Abstract: Section 6102 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) sets forth provisions regarding physician payment reform. Section 6102(j) of Pub. L. 101-239 requires the Secretary to define surgical services and publish the definition of surgical services in the Federal Register no later than May 1, 1990, after consultation with organizations representing physicians.

Timetable:

Action	Date	FR Cite
Notice	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4497**

RIN: 0938–AE75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Health Care Financing Administration (HCFA)

1043. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Completed:

Reason	Date	FR Cite
Final Action	10/13/89	54 FR 41966
Final Action Effective	11/13/89	54 FR 41966

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard H. Friedman **301 966-3292**

RIN: 0938–AA63

1044. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

CFR Citation: 42 CFR 417

Completed:

Reason	Date	FR Cite
Withdrawn - to be included in new item required by OBRA '89	01/09/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel **301 966-4637**

RIN: 0938–AB57

1045. MEDICARE SECONDARY PAYER AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Significance: Regulatory Program

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	10/11/89	54 FR 41717
Final Action Effective	11/13/90	54 FR 41717

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock **301 966-4474**

RIN: 0938–AC05

1046. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86; 42 CFR 413.170; 42 CFR 413.13

Completed:

Reason	Date	FR Cite
Final Action	09/29/89	54 FR 40286
Final Action Effective	10/30/89	54 FR 40286

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Barbara Wynn **301 966-4529**

RIN: 0938–AC27

1047. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Completed:

Reason	Date	FR Cite
Final Action	12/11/89	54 FR 50755
Final Action Effective	01/10/90	54 FR 50755

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marinos Svolos **301 966-4451**

RIN: 0938–AC31

1048. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21; 42 CFR 447.45

Completed:

Reason	Date	FR Cite
Final Action	01/16/90	55 FR 1423
Final Action Effective	02/16/90	55 FR 1423

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sue Knefley 301 966-3396

RIN: 0938–AC64

1049. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY

CFR Citation: 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.31

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA	02/13/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee 301 966-4636

RIN: 0938–AD09

1050. DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

CFR Citation: 42 CFR 405.504(b)

Completed:

Reason	Date	FR Cite
Withdrawn - to be addressed in physician payment reform	02/13/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik 301 966-4497

RIN: 0938–AD26

1051. ● PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule would revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent the prospective payment system.

Timetable:

Action	Date	FR Cite
Withdrawn - included in RIN 0938-AD38	04/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Husk, Director, Office of Medical Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6850

RIN: 0938–AD42

1052. REVISION OF THE MEDICARE ECONOMIC INDEX

CFR Citation: 42 CFR 405.504

Completed:

Reason	Date	FR Cite
Withdrawn - replaced by RIN 0938-AE54	10/06/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ross H. Arnett, III 301 966-7934

RIN: 0938–AD43

1053. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATE METHODOLOGY

Significance: Agency Priority

CFR Citation: 42 CFR 416.130

Completed:

Reason	Date	FR Cite
Final Action	02/08/90	55 FR 4525
Final Action Effective	03/12/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth 301 966-4487

RIN: 0938–AD44

1054. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES

Significance: Regulatory Program

CFR Citation: 42 CFR 412; 42 CFR 413

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AE56	02/23/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Barbara Wynn 301 966-4529

RIN: 0938–AD49

1055. INHERENT REASONABLENESS FOR HOME DIALYSIS SUPPLIES AND EQUIPMENT

CFR Citation: 42 CFR 405

Completed:

Reason	Date	FR Cite
Merged with RIN 0938-AE55	01/09/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bob Niemann 301 966-4569

RIN: 0938–AD74

1056. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 494

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel 301 966-4637

RIN: 0938–AD88

1057. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 410.201; 42 CFR 410.203; 42 CFR 410.205; 42 CFR 410.207; 42 CFR 410.3; 42 CFR 424.28; 42 CFR 466.201; 42 CFR 466.202; 42 CFR 466.203; 42 CFR 466.204; 42 CFR 466.206; 42 CFR 466.208; 42 CFR 466.210; 42 CFR 466.212; 42 CFR 466.214

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David Higbee 301 966-4638

RIN: 0938–AD89

1058. IN-HOME CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

CFR Citation: 42 CFR 408; 42 CFR 480

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer 301 966-4607

RIN: 0938–AD90

1059. COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS

Significance: Agency Priority

CFR Citation: 42 CFR 410.10; 42 CFR 410.29 to 33

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel 301 966-4637

RIN: 0938–AD91

1060. CATASTROPHIC COVERAGE CONFORMING AMENDMENTS

CFR Citation: 42 CFR 400; 42 CFR 406; 42 CFR 407; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 418; 42 CFR 424; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 447; 42 CFR 482; 42 CFR 489

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AD93

1061. PAYMENT FOR COVERED OUTPATIENT DRUGS

Significance: Agency Priority

CFR Citation: 42 CFR 414

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice Flaherty 301 966-4574

RIN: 0938–AD99

1062. PAYMENT FOR HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 414

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles Spalding 301 966-4496

RIN: 0938–AE00

1063. PHYSICIAN INVOLVEMENT IN PHYSICAL THERAPY AND SPEECH PATHOLOGY SERVICES

CFR Citation: 42 CFR 405.1717; 42 CFR 405.1733; 42 CFR 424.25; 42 CFR 424.24

Completed:

Reason	Date	FR Cite
Final Action Final with Comment Period Ends 11/20/89.	09/20/89	54 FR 38677
Final Action Effective	01/01/89	54 FR 38677

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheridan Gladhill 301 966-4605

RIN: 0938–AE07

1064. PARTICIPATION AGREEMENTS FOR PHARMACIES

CFR Citation: 42 CFR 490; 42 CFR 494.2

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee 301 966-4636

RIN: 0938–AE08

1065. CONDITIONS OF PARTICIPATION FOR HOME INTRAVENOUS DRUG THERAPY PROVIDERS

Significance: Agency Priority

CFR Citation: 42 CFR 485

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: David Higbee 301 966-4636

RIN: 0938–AE09

1066. OUTPATIENT PRESCRIPTION DRUGS: LIST OF COVERED HOME IV DRUGS

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee 301 966-4636

RIN: 0938–AE10

1067. LIMITATION ON OUT-OF-POCKET COST-SHARING EXPENSES FOR COVERED MEDICARE PART B SERVICES

CFR Citation: 42 CFR 410.12; 42 CFR 410.153; 42 CFR 410.154; 42 CFR 410.2; 42 CFR 410.1; 42 CFR 410.3; 42 CFR 410.150; 42 CFR 410.152; 42 CFR 410.160; 42 CFR 410.161; 42 CFR 410.162; 42 CFR 489.21

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Leslie Warren 301 966-4483

RIN: 0938–AE13

1068. INPATIENT HOSPITAL DEDUCTIBLE FOR 1990

CFR Citation: 42 CFR 409.82

Completed:

Reason	Date	FR Cite
Final Action	09/29/89	54 FR 40205
Final Action Effective	01/01/90	54 FR 40205

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AE19

1069. PART A PREMIUM FOR THE UNINSURED AGED FOR 1990

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	11/22/89	54 FR 48322
Final Action Effective	01/01/90	54 FR 48322

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AE20

1070. MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 1/1/90

CFR Citation: 42 CFR 408.20

Completed:

Reason	Date	FR Cite
Final Action	10/27/89	54 FR 43862
Final Action Effective	01/01/90	54 FR 43862

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carter S. Warfield 301 966-6396

RIN: 0938–AE21

1071. SNF COINSURANCE AMOUNT FOR 1990

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	10/26/89	54 FR 43619
Final Action Effective	01/01/90	54 FR 43619

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AE22

1072. GENERAL PERFORMANCE STANDARDS FOR DRUG BILL PROCESSORS UNDER CONTRACT

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Stewart Streimer 301 966-7409

RIN: 0938–AE27

1073. DEMONSTRATION PROJECT TO DEVELOP A UNIFORM COST REPORTING SYSTEM FOR HOSPITALS

CFR Citation: 42 CFR 403

Completed:

Reason	Date	FR Cite
Final Action	08/25/89	54 FR 35329
Final Action Effective	07/01/89	54 FR 35329

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Goeller 301 966-4513

RIN: 0938–AE32

1074. CORRECTION AND REDUCTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

CFR Citation: 43 CFR 442

Completed:

Reason	Date	FR Cite
Withdrawn - extension of approval not included in OBRA '89.	12/14/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Robert Harrison 301 966-6832

RIN: 0938–AE41

1075. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK RULES AND MEMBERSHIP ACTIONS

CFR Citation: 42 CFR 482; 42 CFR 485

HHS—HCFA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	12/18/89	54 FR 51802
Final Action Effective	02/16/90	54 FR 51802

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel 301 966-4637

RIN: 0938–AE42

1076. COVERAGE OF CATASTROPHIC PART B EXPENSES FOR BENEFICIARIES ENROLLED IN PREPAID HEALTH CARE ORGANIZATIONS

Significance: Agency Priority

CFR Citation: 42 CFR 417.401; 42 CFR 417.417; 42 CFR 417.420; 42 CFR 417.428; 42 CFR 417.436; 42 CFR 417.447; 42 CFR 417.452; 42 CFR 417.454; 42 CFR 417.456; 42 CFR 417.479; 42 CFR 417.532; 42 CFR 417.572; 42 CFR 417.594; 42 CFR 417.800; 42 CFR 417.801; ...

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jean LeMasurier 202 245-0070

RIN: 0938–AE43

1077. DRUG DEDUCTIBLE AND RESPITE CARE FOR PREPAID PLAN ENROLLEES

Significance: Agency Priority

CFR Citation: 42 CFR 417

Completed:

Reason	Date	FR Cite
Withdrawn - due to repeal of MCCA.	12/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jean LeMasurier 202 225-0070

RIN: 0938–AE46

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

1078. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20; PL 100-985, Sec 303(e)

CFR Citation: 45 CFR 233; 45 CFR 435; 45 CFR 436

Legal Deadline: None

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA07

1079. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51; 45 CFR 302.32

Legal Deadline: None

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing collections in IV-D cases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5365

RIN: 0970–AA18

1080. ALIEN VERIFICATION PROCEDURES FOR AFDC, STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603; Immigration and Reform Act of 1986, Sec 121

CFR Citation: 45 CFR 233; 42 CFR 435; 45 CFR 205; 42 CFR 433; 42 CFR 436

Legal Deadline: NPRM, Statutory, October 1, 1987.

Abstract: Immigration Reform and Control Act imposes new procedures on the AFDC, Adult Assistance Programs

and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by States will be subject to 100% reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS must establish an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE beginning October 1, 1987.

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA41

1081. IMMEDIATE WAGE WITHHOLDING, REVIEW AND MODIFICATION OF ORDERS, AND MONTHLY NOTICE OF SUPPORT COLLECTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 654(5); 42 USC 666

CFR Citation: 45 CFR 302.54; 45 CFR 302.70; 45 CFR 303.4; 45 CFR 303.100

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States: (1) by November 1990, to require immediate income withholding in all cases receiving services under title IV-D of the Social Security Act with new or modified orders unless there is an alternative arrangement; (2) to review support orders in IV-D cases by October 1993 at least every 36 months and modify the support orders in accordance with support guidelines, as appropriate; and (3) to send monthly as opposed to annual notices of the amount of support collected to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Betsy Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5362

RIN: 0970–AA63

1082. RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-485, Sec 401(a); PL 100-485, Sec 402; PL 100-485, Sec 403; PL 100-485, Sec 601; PL 100-485, Sec 604(a)(3)

CFR Citation: 45 CFR 201.1(g); 45 CFR 205.44(b); 45 CFR 205.44(c); 45 CFR 205.44(e); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.100; 45 CFR 233.107

Legal Deadline: None

Abstract: Would make the following changes required by the Family Support Act: (1) Require all States to provide benefits for families with unemployed parents and provide at least 6 months of coverage; (2) Increase the standard work expense disregard to $90; (3) Increase the limit on the dependent care disregard to $175 ($200 for a child under 2); (4) Disregard earned income tax credit payments; (5) Allow States to require as a condition of eligibility that minor mothers who have never married live in a place of residence maintained by a parent, legal guardian or other adult-supervised living arrangement; (6) Add American Samoa to the jurisdictions authorized to develop and operate an AFDC program and (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: include American Samoa within the Quality Control System and subject to the same error rate tolerances and sanctions that are applicable to other territorial jurisdictions; (7) Make States responsible for assuring that benefits and services under IV-A, IV-D, and IV-F are furnished in an integrated manner and re-enforce the role and responsibility of the State in obtaining the cooperation of the applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA69

1083. DISREGARD OF BONA FIDE LOANS, STUDENT ASSISTANCE/HIGHER EDUCATION TECHNICAL AMENDMENTS OF 1987, COMPENSATION/CIVIL LIBERTIES ACT OF 1988, DISASTER RELIEF/EMERGENCY ASSISTANCE AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-50; PL 100-707; PL 100-383

CFR Citation: 45 CFR 233.20(a)(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II; (4) Disregard of Federal major disaster and emergency assistance under the Disaster Relief Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA70

1084. AMENDMENTS TO THE STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) REGULATION

Significance: Agency Priority

Legal Authority: 8 USC 1255a note; PL 100-525

CFR Citation: 45 CFR 402.2; 45 CFR 402.10; 45 CFR 402.11; 45 CFR 402.20; 45 CFR 402.22; 45 CFR 402.24; 45 CFR 402.26; 45 CFR 402.33; 45 CFR 402.40; 45 CFR 402.41; 45 CFR 402.51; 45 CFR 402.21; 45 CFR 402, App A

Legal Deadline: None

Abstract: This rule proposes to implement technical amendments made to the Immigration Reform and Control Act of 1986 and make other administrative changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Norman L. Thompson, Director, Division of State Legalization Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-4571

RIN: 0970–AA73

1085. REVISIONS TO AUDIT REGULATIONS AS A RESULT OF THE CHILD SUPPORT PROVISIONS OF THE FAMILY SUPPORT ACT OF 1988

Significance: Regulatory Program

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: This regulation revises existing audit procedures as a result of changes to program regulations to implement the child support provisions of the Family Support Act of 1988. These changes establish timeframes and standards for providing child support enforcement services, and require use of guidelines to establish support orders among other things. Audit regulations are being revised for consistency with new program requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Betsy Matheson, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5362

RIN: 0970–AA74

1086. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 45 CFR 233.20(a)(3)(x); 45 CFR 233.53; 45 CFR 235.112

Legal Deadline: NPRM, Statutory, April 1, 1988.
The statutory effective date of the optional AFDC fraud control program is April 1, 1988.

Abstract: (1) Permanently extends the optional disregard of certain in-kind assistance in determining eligibility for and the amount of AFDC. (2) Authorizes States to establish an optional fraud control program. (3) Provides that a child whose support and maintenance costs are covered in the foster care of his or her minor parent may not be regarded as a member of an AFDC family.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA75

1087. ● FEES FOR USE OF THE FEDERAL PARENT LOCATOR SERVICE IN NON-AFDC CASES

Significance: Agency Priority

Legal Authority: 42 USC 653

CFR Citation: 45 CFR 303.70

Legal Deadline: None

Abstract: This regulation requires State IV-D agencies to charge individuals not receiving aid to families with dependent children (AFDC), Medicaid or title IV-E foster care services a fee for use of the Federal Parent Locator Service.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5375

RIN: 0970–AA78

1088. ● AMENDMENTS TO THE STATE LEGALIZATION IMPACT ASSISTANCE (SLIAG) REGULATION

Legal Authority: 8 USC 1255a note, as awarded; Pub.L. 101-238; Pub.L. 101-166

CFR Citation: 45 CFR 402.2; 45 CFR 402.10; 45 CFR 402.11; 45 CFR 402.21; 45 CFR 402.22; 45 CFR 402.31; 45 CFR 402.32; 45 CFR 402.41; 45 CFR 402.43; 45 CFR 402.45

Legal Deadline: None

Abstract: This rule proposes to add allowable uses of funds pursuant to Pub.L. 101-238, and other minor changes pursuant to Pub.L. 101-166.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Norman L. Thompson, Director, Division of State Legalization, Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-4571

RIN: 0970–AA79

1089. ● MANDATORY AUTOMATED CHILD SUPPORT ENFORCEMENT SYSTEMS

Significance: Agency Priority

Legal Authority: 42 USC 654; 42 USC 652; 42 USC 655

CFR Citation: 45 CFR 307

Legal Deadline: None

Abstract: This regulation implements Section 123 of the Family Support Act of 1988 (P.L. 100-485) under which, by October 1, 1991, every State which does not have a statewide automated child support system in effect must submit an advance planning document to the Secretary of HHS. By October 1, 1995, every State must have an approved system in effect. On September 30, 1995, 90% Federal funding for automated systems is repealed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	12/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalie Ryan, Director, Division of State Child Support, Enforcement Systems, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5513

RIN: 0970–AA80

1090. ● IMPLEMENTATION OF QUALITY CONTROL PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Significance: Regulatory Program

Legal Authority: PL 101-239

CFR Citation: 45 CFR 205.10; 45 CFR 205.40; 45 CFR 205.41; 45 CFR 205.42; 45 CFR 205.43; 45 CFR 205.44

Legal Deadline: None
No legal deadline but new Quality Control system must be in operation by October 1, 1990.

Abstract: Will implement Quality Control provisions of PL 101-239 by specifying how the Quality Control process is to be carried out by the interested State agencies. This includes sample size and selection requirements; case review standards; disposition requirements; data input and reporting time deadlines; difference resolution process; payment error rate and disallowance computation; notification and appeal procedures and deadlines; and sundry pertinent issues.

Timetable:

Action	Date	FR Cite
NPRM	04/15/91	
NPRM Comment Period End	05/15/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5075

RIN: 0970–AA82

1091. ● AUTOMOBILE EXCLUSION LIMIT

Legal Authority: 42 USC 1302; PL 97-35 The Omnibus Budget Reconciliation Act of 1981

CFR Citation: 45 CFR 233.20(a)(3)(i)(B)(2)

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1981 amends section 402(a)(7)(B) of the Social Security Act to provide that States must exclude from the resources of an AFDC applicant or recipient so much of that individual's ownership interest in one automobile as does not exceed such amount as the Secretary may prescribe. Implementing regulations at 45 CFR 233.20(a)(3)(i)(B)(2) established the limit at $1,500. The $1,500 limit is under review to determine an appropriate revision. An NPRM will be published with the proposed revised amount.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	08/30/90	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA83

1092. ● EMERGENCY ASSISTANCE

Significance: Agency Priority

Legal Authority: 42 USC 11381; Stewart B. McKinney Homeless Assistance Act Amendments of 1988; PL 100-628; PL 100-203, Omnibus Budget Reconciliation Act of 1987

CFR Citation: 45 CFR 233.120

Legal Deadline: None

Abstract: This regulation will prohibit reimbursement under the Emergency Assistance Program for assistance for periods beyond 30 days in a 12-month period while:

--Continuing to allow use of emergency assistance funds to prevent evictions and utility cutoffs by paying past due rent and utility costs;

--Assisting homeless families to secure permanent housing by covering the first month's rent and security deposit.

HHS—FSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Final Rule Stage

1093. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA06

1094. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS

Significance: Regulatory Program

Legal Authority: PL 97-458, Sec 4; PL 98-64, Sec 2; PL 100-241, Sec 15

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Legal Deadline: None

Abstract: Would update current regulations by adding statutory exclusions for certain per capita distributions of Indian judgment funds and other funds held in trust by the Department of Interior, and initial purchases made with such funds. Additionally, would exclude the following types of distributions received from a Native Corporation pursuant to the Alaska Native Claims Settlement Act. (1) Cash to the extent that it does not in the aggregate, exceed $2,000 per individual per annum; (2) Stocks; (3) A partnership interest; (4) Land or an interest in land; and (5) An interest in a settlement trust. Regulations would reflect the statutes; therefore, no alternatives are being considered. We estimate that the Federal share of the cost of the trust funds exclusions required under PL 97-458 and PL 98-64 would be $696,960 per year, the Federal share of the cost of the Alaska Native Claims Settlement Act exclusions required under PL 100-241 would be $1,878,108 per year. Therefore, the annual result would be a cost of $2,575,068.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19197
NPRM Comment Period End	07/03/89	
Final Action	07/09/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA47

1095. COOPERATION TO PURSUE THIRD PARTY HEALTH COVERAGE

Significance: Regulatory Program

Legal Authority: The Social Security Act, Sec 12304; PL 99-272

CFR Citation: 45 CFR 232.13; 45 CFR 232.40; 45 CFR 232.41; 45 CFR 232.42; 45 CFR 232.43; 45 CFR 232.44; 45 CFR 232.45; 45 CFR 232.47; 45 CFR 232.48; 45 CFR 232.49; 45 CFR 234.60; 45 CFR 235.70

Legal Deadline: None

Abstract: The proposed rules specify that as a condition of eligibility for AFDC, each applicant or recipient must cooperate with the State by identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services available under the State's plan for medical assistance under title XIX, unless such individual has good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	05/24/89	54 FR 22457
NPRM Comment Period End	06/23/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant

Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA49

1096. PRE-ELIGIBILITY FRAUD DETECTION MEASURES

Significance: Agency Priority

Legal Authority: PL 100-485

CFR Citation: 45 CFR 235.111

Legal Deadline: NPRM, Statutory, October 1, 1989.

Abstract: Requires State agencies to establish procedures to detect pre-eligibility fraud on all AFDC applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/89	54 FR 15944
Final Action	05/15/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA56

1097. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Omnibus Budget Reconciliation Act of 1986

CFR Citation: 45 CFR 205.56

Legal Deadline: None

Abstract: These rules make revisions to the regulations designed to incorporate changes made by Section 9101 of PL 99-509, which amended Section 1137 of the Social Security Act to allow States flexibility in targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulations which required 100% verification and allows the States the option to target their uses to those identified in the State Plan as most likely to be productive.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/88	53 FR 52709
Final Action	08/01/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA58

1098. SERVICES TO POST-AFDC AND MEDICAID ONLY FAMILIES

Significance: Agency Priority

Legal Authority: 42 USC 654(4); 42 USC 654(5); 42 USC 657(c)

CFR Citation: 45 CFR 301.1; 45 CFR 302.31; 45 CFR 302.33; 45 CFR 302.70; 45 CFR 302.51; 45 CFR 303.72; 45 CFR 303.102; 45 CFR 304.20; 45 CFR 306.50; 45 CFR 306.51

Legal Deadline: None

Abstract: This regulation would implement section 9141 of P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987 under which child support agencies are required to continue to provide IV-D services to persons no longer eligible for AFDC without requiring an application or payment of an application fee. It also implements section 9142 of P.L. 100-203 which requires child support agencies to provide IV-D services to all families with an absent parent who receive Medicaid and have assigned their rights to medical support to the State.

Timetable:

Action	Date	FR Cite
NPRM	05/23/89	54 FR 22325
NPRM Comment Period End	07/24/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5375

RIN: 0970–AA61

1099. $50 DISREGARD, PATERNITY ESTABLISHMENT AND MANDATORY GUIDELINES

Significance: Agency Priority

Legal Authority: 42 USC 654(6); 42 USC 655(a)(1); 42 USC 657(b)(1); 42 USC 666(a)(5); 42 USC 667

CFR Citation: 45 CFR 302.50; 45 CFR 302.51; 45 CFR 302.53; 45 CFR 302.56; 45 CFR 302.70; 45 CFR 303.5; 45 CFR 303.7; 45 CFR 303.100; 45 CFR 304.20

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States to use guidelines as a rebuttable presumption in setting support awards; clarifies that the $50 disregard is paid to the family if the support is paid on time; clarifies that State laws and procedures must provide for paternity establishment of any child for whom a paternity action was previously dismissed under a statute of limitations of less than 18 years; provides 90 percent federal funding of laboratory costs in establishing paternity; and requires genetic testing in contested paternity establishment cases upon request by any party.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37866
NPRM Comment Period End	11/13/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig Hathaway, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW., Washington, DC 20447, 202 252-5367

RIN: 0970–AA64

HHS—FSA

Final Rule Stage

1100. AID TO FAMILIES WITH DEPENDENT CHILDREN - JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM, PROGRAM PARTICIPANT EMPLOYMENT PROTECTION

Significance: Regulatory Program

Legal Authority: 42 USC 684; 42 USC 1302; 42 USC 684(d)(1); 42 USC 684(d)(2)

CFR Citation: 45 CFR 251

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: The Family Support Act of 1988 (PL 100-485) establishes the JOBS program under title IV-A of the Social Security Act. Associated with the program are workers' issues, such as working conditions, tort claims protection, workers' compensation and displacement. The legislation, (PL 100-485) requires that necessary protections be provided for program participants.

Timetable:

Action	Date	FR Cite
NPRM	04/19/89	54 FR 15902
NPRM Comment Period End	06/19/89	54 FR 15902
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA67

1101. ● COMPUTER MATCHING AND PRIVACY PROTECTION ACT PROVISIONS

Significance: Agency Priority

Legal Authority: PL 100-503

CFR Citation: 45 CFR 205.10; 45 CFR 205.56; 45 CFR 206.10

Legal Deadline: Other, Statutory, January 1, 1990.
The statutory effective date is 1/1/90 (extended by enactment of PL 101-56).

Abstract: Requires States to: (1) Independently verify information obtained in computer matching programs. (2) Provide an advance notice of thirty (30) days to an individual before imposing any adverse action or actions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW., Washington, DC 20447, 202 252-5116

RIN: 0970–AA81

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Completed Actions

1102. SCOPE OF PAYMENTS

Significance: Agency Priority

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(v); 45 CFR 233.120

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan 202 252-5116

RIN: 0970–AA00

1103. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

CFR Citation: 45 CFR 205.40(a)(8)

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sean Hurley 202 252-5075

RIN: 0970–AA04

1104. CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Agency Priority

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan 202 252-5116

RIN: 0970–AA08

1105. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAM—QUALITY CONTROL SYSTEM

Significance: Agency Priority

CFR Citation: 45 CFR 205.44

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sean Hurley 202 252-5075

RIN: 0970–AA11

1106. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Agency Priority

CFR Citation: 45 CFR 305

Completed:

Reason	Date	FR Cite
Final Action	03/08/90	55 FR 8465

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lourdes Henry 202 252-5440

RIN: 0970–AA17

1107. AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Regulatory Program

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Completed:

Reason	Date	FR Cite
Final Action	02/07/90	55 FR 4364

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Lentz 202 252-4795

RIN: 0970–AA59

1108. CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 45 CFR 232.2; 45 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	01/09/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Mark Ragan 202 252-5116

RIN: 0970–AA66

1109. JOB OPPORTUNITY AND BASIC SKILLS (JOBS) TRAINING PROGRAM

Significance: Regulatory Program

CFR Citation: 45 CFR 250.0; 45 CFR 255.0; 45 CFR 256.0; 45 CFR 205.50; 45 CFR 224.0; 45 CFR 233.20; 45 CFR 233.90; 45 CFR 233.100; 45 CFR 234.60; 45 CFR 238.01; 45 CFR 239.01; 45 CFR 240.01; 45 CFR 250.01; 45 CFR 250.10; 45 CFR 250.11; ...

Completed:

Reason	Date	FR Cite
Final Action	10/13/89	54 FR 42146

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan 202 252-5116

RIN: 0970–AA68

[FR Doc. 90-5942 Filed 04-20-90; 8:45 am]

BILLING CODE 4150-04-T

Federal Register

Monday
April 23, 1990

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

Docket No. N-90-3023; FR-2787

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291 "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive order or by the Act, which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained or expected to be contained in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Housing and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. If, within that period, either committee notifies the Secretary that it intends to review any rule or regulation which appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days before it is published for comment. The semiannual agenda published today is the agenda transmitted to the committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publication or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; and Office of Administration.

Dated: February 20, 1990.

Frank Keating,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1110	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

HUD

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1111	24 CFR 0000 Denial of Federal Benefits to Drug Traffickers and Possessors (S-2-89; FR-2612)	2501-AA81
1112	00 CFR 000 Criteria for Determining Unutilized or Underutilized Federal Property as Suitable for Facilities to Assist the Homeless (S-8-89; FR-2620)	2501-AA87
1113	00 CFR 000 Reforms to Department of Housing and Urban Development—Registration of Consultants (S-3-90; FR-2732) REFORM ACT	2501-AA93
1114	00 CFR 000 Reforms to Department of Housing and Urban Development—HUD Accountability (S-2-90; FR-2731) REFORM ACT	2501-AA94
1115	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
1116	24 CFR 24 Prohibition on Disclosure: Civil Money Penalties for Prohibited Acts, FHA Operations (S-7-90; FR-2734) REFORM ACT	2501-AA90
1117	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
1118	24 CFR 56 Flood Insurance Requirements for Insurance, Loan, and Grant Programs (S-3-85; FR-2007)	2501-AA59
1119	24 CFR 90 Revisions to the Comprehensive Homeless Assistance Plans Regulations (S-4-90; FR-2705)	2501-AA95
1120	24 CFR 100 Accessibility Guidelines (S-6-89; FR-2665)	2501-AA85
1121	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2501-AA88

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1122	00 CFR 000 Prohibition on Use of Federal Funds for Lobbying; Requirements for Disclosure Statements (S-1-90; FR-2719)	2501-AA92
1123	24 CFR 17, Subpart C Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
1124	24 CFR 18 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (S-7-88; FR-2134)	2501-AA75
1125	24 CFR 24 Debarment Suspension and Limited Denial of Participation—All-Cash Sales Exception (S-4-87; FR-2356)	2501-AA60
1126	24 CFR 24 Implementation of the Drug-Free Workplace Act of 1988 (Common Rule)(S-11-88; FR-2598)	2501-AA78
1127	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands; Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
1128	24 CFR 58 Environmental Review Procedures for the CDBG, Homeless Assistance, Rental Rehab, and Housing Development Development Grant Programs (S-6-84; FR-1965)	2501-AA25
1129	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
1130	24 CFR 205 Mortgage Insurance for Land Development—Title X of the National Housing Act; Proposed Termination of Program (S-5-89; FR-2677)	2501-AA84
1131	24 CFR 213 Temporary Disqualification of Certain Newly Legalized Aliens from Certain HUD Programs (S-12-88; FR-2600)	2501-AA77
1132	24 CFR 760 Verification of HUD Applicant and Participant Employment and Wage and Claim Justification (S-10-88; FR-2598)	2501-AA80
1133	24 CFR 813.106 Exclusions from Income for Students and Working Residents of Assisted Housing (S-9-89; FR-2691)	2501-AA89

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1134	24 CFR 203 Regional Underwriting Procedures and Criteria (H-15-90; FR-2776)	2502-AE97
1135	24 CFR 203.43(c) Refinancing FHA-Insured Mortgages (H-16-90; FR-2777)	2502-AE98

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Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1136	00 CFR 000 Pre-Foreclosure Sale Option (H-12-89; FR-2682)	2502-AE72
1137	00 CFR 000 Provision of Drug-Free Housing (H-14-90; FR-2775)	2502-AE96
1138	24 CFR 200 Use of Material Bulletin 40C—Grademarking of Plywood (H-21-85; FR-2407)	2502-AD01
1139	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599)	2502-AE64
1140	24 CFR 200 FHA Appraisal Standards and Coordination with GNMA (H-6-90; FR-2742) Reform Act	2502-AE89
1141	24 CFR 201 Revised Underwriting and Loan Origination Requirements for Title I Loans (H-5-89; FR-2623)	2502-AE67
1142	24 CFR 203.400 Deadline for Filing Single Family Supplemental Claims (H-26-88; FR-2487)	2502-AE51
1143	24 CFR 203 Refinancing of FHA-Insured Adjustable Rate Mortgages (H-10-89; FR-2668)	2502-AE71
1144	24 CFR 291 Single Family Property Disposition Sales Procedure (H-14-89; FR-2683)	2502-AE75
1145	24 CFR 203 Amendment to Mutual Mortgage Insurance and Rehabilitation Loans for Rental Properties (H-3-89; FR-2713)	2502-AE84
1146	24 CFR 203 Retroactive Insurance Endorsement (H-17-90; FR-2780)	2502-AE91
1147	24 CFR 203 Housing Counseling Activities (H-9-90; FR-2753)	2502-AE92
1148	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
1149	24 CFR 210 Amendments to Participation Review Committee Procedures (H-2-90; FR-2708)	2502-AE83
1150	24 CFR 221 Amendments to Multifamily Mortgage Insurance Program Regulations—Retirement Service Centers (H-16-89; FR-2685)	2502-AE78
1151	24 CFR 221 Amendments to Multifamily Mortgage Insurance Regs—Single Room Occupancy Facilities (SROs)—(H-13-90; FR-2774)	2502-AE95
1152	24 CFR 232 Refinancing Secretary-Held Mortgages covering Nursing Homes (H-11-90; FR-2752)	2502-AE94
1153	24 CFR 241 Section 241 Supplemental Loan Program for Multifamily Projects (H-7-90; FR-2743) REFORM ACT	2502-AE90
1154	24 CFR 251 Termination of the Multifamily Coinsurance Program (H12-90; FR-2763)	2502-AE85
1155	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects—Management and Disposition Including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158)	2502-AD43
1156	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR-2380)	2502-AE10
1157	24 CFR 880 Administrative Instructions Covering Voluntary Terminations (Opt-Out) of Existing Section 8 Contracts and Expiring Loan Management Set-Aside (LMSA) Contracts (H-17-89; FR-2689)	2502-AE79
1158	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
1159	24 CFR 0882 Reform of Section 8 Housing Assistance Payments Program—Moderate Rehabilitation (H-11-89; FR-2676) REFORM ACT	2502-AE82
1160	24 CFR 885 Anti-Drug Initiative for the Section 202 Program (H-19-89; FR-2703)	2502-AE86
1161	24 CFR 885 Loans for the Housing for the Elderly or Handicapped—Requirements for Awarding Construction Contracts (H-10-90; FR-2755)	2502-AE93
1162	24 CFR 886.122 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
1163	24 CFR 888 Section 8 Rent Adjustment (H-8-90; FR2745) REFORM ACT	2502-AE81
1164	24 CFR 3280 Changes to the Manufactured Home Construction and Safety Standards from the CABO and MHCSS Committees, Departmental Staff and Others (H-4-89; FR-2622)	2502-AE66
1165	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
1166	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
1167	24 CFR 3282.307(b) Manufactured Home Safety Standards—Monitoring Inspection Fee (H-2-89; FR-2613)	2502-AE65

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1168	00 CFR 000 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act	2502-AE35
1169	00 CFR 000 Section 8 Certificate Program Project-Based Assistance (New Construction) (H-30-88; FR-2502)	2502-AE56
1170	24 CFR 200 Authorize Additional Types of Loans for Direct Endorsement Processing (H-4-88; FR-2433)	2502-AE48
1171	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
1172	24 CFR 203 Single Family Mortgage Insurance - Occupant and Investor Mortgagors (H-16-88; FR-2456) 1987 HCD Act	2502-AE40
1173	24 CFR 203 Action to Reduce Losses under FHA Single Family Mortgage Insurance Program (H-28-88; FR-2491)	2502-AE52
1174	24 CFR 203 Removal of Codified Language for Inactive Temporary Mortgage Assistance Payments Program (H-18-90; FR-2791)	2502-AE99
1175	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421)	2502-AE26
1176	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
1177	24 CFR 50 Prepayment of Mortgages on Low- and Moderate-Income Housing (H-10-88; FR-2450) 1987 HCD Act	2502-AE34
1178	24 CFR 219 Flexible Subsidy Program: Capital Improvement Loans (H-34-88; FR-2541)	2502-AE55

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Office of Housing—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1179	24 CFR 291 Single Family Property Disposition for the Homeless Initiative (H-20-89; FR-2704)	2502-AE80
1180	24 CFR 882 Section 8 Certificate and Housing Voucher Program—Denial and Termination of Assistance for Drug-Related Activities (H-9-89; FR-2662)	2502-AE70
1181	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
1182	24 CFR 885.415 Loans for Housing for the Elderly or Handicapped Davis-Bacon Wage Rate (H-6-89; FR-2589)	2502-AE69
1183	24 CFR 3500 Real Estate Settlement Procedures Act—Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1184	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374)	2502-AE12
1185	24 CFR 0200.815 Lead-Based Paint Poisoning Prevention - HUD-Owned Single Family Property Disposition (H-8-89; FR-2655)	2502-AE73
1186	4 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
1187	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
1188	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE11
1189	24 CFR 203.350 Revision to FHA Insurance on Hawaiian Homelands Rule and to Assignment Rule to Remove Dependence on TMAP Rule (H-7-89; FR-2657)	2502-AE74
1190	24 CFR 207 Technical Revisions to Parts 207 and 255 (H-1-90; FR-2700)	2502-AE87
1191	24 CFR 221 Amendments to Multifamily Mortgage Insurance Program Regulations (H-15-89; FR-2684)	2502-AE77
1192	24 CFR 251 Revised Capital Requirements for HUD Multifamily Coinsurance Programs (H-13-89; FR-2681)	2502-AE76
1193	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
1194	24 CFR 882 - Subparts D & E Revisions to Section 8 Moderate Rehabilitation Program (H-5-90; FR-2741) REFORM ACT	2502-AE88
1195	24 CFR 885 Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservation (H-33-88; FR-2536)	2502-AE58
1196	24 CFR 890 Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (H-1-89; FR-2539)	2502-AE62

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1197	24 CFR 511 Rental Rehabilitation Grant Program (CPD-4-90; FR-2771)	2506-AA99
1198	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1199	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2496)	2506-AA84
1200	24 CFR 570 Miscellaneous Amendments (CPD-5-90; FR-2772)	2506-AB01
1201	24 CFR 570 CDBG Grants to Indian Tribes (CPD-3-90; FR-2735) REFORM ACT	2506-AB02
1202	24 CFR 596 Revisions to HUD Enterprise Zone Regulations (CPD-7-89; FR-2692)	2506-AB00

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1203	24 CFR 236 Uniform Relocation Act Amendments of 1987—Technical Amendments (CPD-3-89; FR2624)	2506-AA92
1204	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1205	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1206	24 CFR 570 Conserving Neighborhoods by Prohibiting Displacement (CPD-3-88; FR-2474) 1987 HCD Act	2506-AA82
1207	24 CFR 570 Community Development Technical Assistance Program (CPD-1-89; FR-2616)	2506-AA90

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Office of Community Planning and Development—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1208	24 CFR 570 Public Services CDBG (CPD-6-90; FR-2773)	2506-AB03

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1209	24 CFR 90 Comprehensive Homeless Assistance Plan (Implementation of 1988 McKinney Act Amendments) - (CPD 9-89; FR-2386; Formerly S-1-89)	2506-AA96
1210	24 CFR 511 Rental Rehabilitation Program (CPD-11-88; FR-2558)	2506-AA88
1211	24 CFR 576 Emergency Shelter Grants Program (Implementation of 1988 McKinney Act Amendments) - (CPD-11-89; FR-2562; Formerly S-6-88)	2506-AA95
1212	24 CFR 577 Supportive Housing Demonstration Program (CPD-12-89; FR-2581)	2506-AA98
1213	24 CFR 579 Supplemental Assistance for Facilities to Assist the Homeless (CPD-10-89; FR-2585; Formerly S-3-89)	2506-AA97

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1214	24 CFR 000 Nondiscrimination in Housing and Community Development Programs (FHEO-1-89; FR-2629)	2529-AA42
1215	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1216	24 CFR 735 Conforming Amendments to HUD Rules to Comply with Sec. 504 of the Rehab Act and Other Authorities (FH&EO-3-88; FR-2531)	2529-AA38

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1217	24 CFR 103.225 Fair Housing Complaint Processing—Misc. Revisions to Part 103 (FHEO-1-90; FR-2725)	2529-AA44
1218	24 CFR 111 Fair Housing Enforcement Support Program; Program Description and Eligibility Criteria (FHEO-2-89; FR-2687)	2529-AA43

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1219	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473)	2535-AA16

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Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1220	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376)	2535-AA15

Office of Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1221	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C—Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
1222	48 CFR 2401 Revisions of HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534)	2535-AA17

Office of Public and Indian Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1223	24 CFR 941 PHA's Establishment of Housing Development and Other Non-Profit Corporations (P-1-90; FR-2781)	2577-AA81
1224	24 CFR 941 Public Housing Development (P-3-90; FR-2783)	2577-AA83
1225	24 CFR 990 Annual Contribution for Operating Subsidy (P-4-90; FR-2784)	2577-AA84

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1226	00 CFR 000 Resident Management Corporation Homeownership Program (P-5-89; FR-2693) REFORM ACT	2577-AA80
1227	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (P-10-88; FR-2211)	2577-AA68
1228	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1229	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1230	24 CFR 941 Lead-Based Paint Poisoning Prevention Act—Stewart B. McKinney Homeless Assistance Amendments of 1988—Section 1088 (P-19-88; FR-2583)	2577-AA78
1231	24 CFR 960 Selection of Families from the Waiting List in Assisted Housing Program (P-4-89; FR-2663)	2577-AA79
1232	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1233	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1234	00 CFR 000 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1235	00 CFR 000 Public Housing Drug Elimination Pilot Program (P-20-88; FR-2592)	2577-AA76
1236	24 CFR 905 Indian Housing Program—Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1237	24 CFR 941 Public Housing Development (P-2-90; FR-2782)	2577-AA82
1238	24 CFR 960 Public Housing - Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1239	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1240	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40

HUD

Office of Public and Indian Housing—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1241	24 CFR 990 Performance Funding System Revisions (87 Act)—Formal Review Process Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1242	24 CFR 968 Public Housing CIAP and Comprehensive Grant Program (P-8-88; FR-2488)	2577-AA66

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Prerule Stage

1110. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard Lasner, Acting Assistant General Counsel for, Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501–AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Proposed Rule Stage

1111. DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS (S-2-89; FR-2612)

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: Section 5301 permits courts to declare individuals convicted of drug trafficking and possession to be ineligible for certain Federal benefits for specified periods.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for and Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501–AA81

1112. CRITERIA FOR DETERMINING UNUTILIZED OR UNDERUTILIZED FEDERAL PROPERTY AS SUITABLE FOR FACILITIES TO ASSIST THE HOMELESS (S-8-89; FR-2620)

Legal Authority: 42 USC 11411

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This regulation would describe the criteria HUD uses to determine whether unutilized or underutilized Federal properties, described by other agencies in HUD-conducted surveys, are suitable for facilities to assist the homeless. This determination is the responsibility of HUD under the procedures in Section 501 of the McKinney Act for the identification and use of unutilized and underutilized Federal property for facilities to assist the homeless. The regulation will be incorporated in an interagency rule, which will include all procedures under Section 501 for HUD, HHS, and GSA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James Forsberg, Director, Special Needs Assistance Programs Staff, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2501–AA87

1113. ● REFORMS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—REGISTRATION OF CONSULTANTS (S-3-90; FR-2732) REFORM ACT

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would require any person making an expenditure to influence a departmental decision with respect to the award of any financial assistance or management action that changes the terms and conditions or status of the financial assistance to keep records of, and in some cases report, such expenditures. It would also require each person receiving payment or consideration to influence a departmental decision to register with the Secretary. The rule would provide for civil money penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roosevelt Jones, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 755-4250

RIN: 2501–AA93

1114. ● REFORMS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HUD ACCOUNTABILITY (S-2-90; FR-2731) REFORM ACT

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would require the Secretary to publish in the FEDERAL REGISTER a notice of the availability of any assistance under any HUD program or discretionary fund. It also would require HUD to publish at least quarterly all of its funding decisions, and at least annually the "fair share" formula allocations under section 213(d)(1) of the Housing and Community Development Act of 1974. The rule also requires disclosure of certain information with respect to an application for assistance for a project submitted to HUD or to a State or unit of general local government by any applicant that has received, or can reasonably be expected to receive, assistance in excess of $200,000 (or a lower amount which may be set in this rule in any fiscal year).

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roosevelt Jones, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 755-4250

RIN: 2501–AA94

1115. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None

Abstract: This rule would remove portions of HUD regulations that are obsolete or duplicative.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501–AA50

1116. ● PROHIBITION ON DISCLOSURE: CIVIL MONEY PENALTIES FOR PROHIBITED ACTS, FHA OPERATIONS (S-7-90; FR-2734) REFORM ACT

Significance: Regulatory Program

Legal Authority: PL 101-235

CFR Citation: 24 CFR 24; 24 CFR 25; 24 CFR 26

Legal Deadline: None

Abstract: This rule would prohibit certain practices with respect to FHA programs and would impose civil penalties on violators. The rule would promote integrity in the conduct and use of FHA programs, and reduce losses to the insurance fund resulting from improper acts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John P. Kennedy, Associate General Counsel for Program, Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6568

RIN: 2501–AA90

1117. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Emergency Shelter Grants, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and

procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501–AA30

1118. FLOOD INSURANCE REQUIREMENTS FOR INSURANCE, LOAN, AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving insurance, loans and grants. This rule would do the following: (1) authorize certain exemptions for the first time; (2) clarify the statutory limitation on the conduct of HUD programs; (3) describe implementation actions to be taken by the approving official and the affected property owner; and (4) correct or remove from Title 24 outdated or inadequate references pertaining to this statutory responsibility.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2501–AA59

1119. ● REVISIONS TO THE COMPREHENSIVE HOMELESS ASSISTANCE PLANS REGULATIONS (S-4-90; FR-2705)

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 24 CFR 90

Legal Deadline: None

Abstract: The Department published a final rule on November 3, 1989 (54 FR 46566) for the CHAP program as required by the McKinney Act of 1988. This follow-up proposed rule would refine and expand the information required to be provided in the Comprehensive Homeless Assistance Plans, in an effort to eliminate homelessness.

Timetable:

Action	Date	FR Cite
NPRM	03/13/90	55 FR 9332
NPRM Comment Period End	04/12/90	55 FR 9332
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James N. Forsberg, Coordinator, Special Needs Assistance Program, Department of Housing and Urban Development, Office of the Secretary, 202 755-6300

RIN: 2501–AA95

1120. ACCESSIBILITY GUIDELINES (S-6-89; FR-2665)

Significance: Regulatory Program

Legal Authority: 42 USC 3601; 42 USC 3604(f)(3)(C)

CFR Citation: 24 CFR 100

Legal Deadline: None

Abstract: In the final rule implementing the Fair Housing Amendments Act of 1988 (54 FR 3232, January 23, 1989), HUD announced its intention to publish "accessibility guidelines" to provide additional guidance to designers and developers of residential structures, and to the public, concerning the requirements of the amended Fair Housing Act as the Act relates to accessibility of dwellings for use by handicapped persons. These guidelines will be published for public comment and, thereafter, in final form, and will be adjunct to 24 CFR Part 100.

Timetable:

Action	Date	FR Cite
ANP Guidelines	08/02/89	54 FR 31856
NP Guidelines	06/00/90	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Margaret F. Milner, Multifamily Housing Programs, Department of Housing and Urban Development, Office of Housing, 202 755-6490

RIN: 2501–AA85

1121. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Significance: Regulatory Program

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule updates and revises HUD's regulations for the allocation of housing assistance funds to reflect statutory changes by the Housing and Urban-Rural Recovery Act of 1983 and the Department of Housing and Urban Development Reform Act of 1989. It contains an explicit description of the allocation formula, including the factors making up the allocation formula and consolidates local government submission requirements and HUD criteria for review of applications for housing. The rule tightens procedures and generally limits headquarters funding. The rule makes clear that HUD housing assistance programs are subject to formula allocations with funding competitions pursuant to published competitive selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

HUD—HUDSEC **Proposed Rule Stage**

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON:

Nancy Chisholm, Director, Office of Policy, Office of Public and Indians Housing, 202-755-6713

Agency Contact: Stephen Cooley, Director, Office of Policy Development, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2501–AA88

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of the Secretary (HUDSEC)

1122. ● PROHIBITION ON USE OF FEDERAL FUNDS FOR LOBBYING; REQUIREMENTS FOR DISCLOSURE STATEMENTS (S-1-90; FR-2719)

Significance: Regulatory Program

Legal Authority: PL 101-121

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This is part of a government-wide common rule effort to implement section 319 of the Interior and Related Agencies Appropriations Act for FY 1990 (Pub. L. 101-121, approved October 23, 1989) which added a new section 1352 to Title 31 of the United States Code, entitled "Limitation on Use of Appropriated Funds to Influence certain Federal Contracting and Financial Transaction" (the Byrd Amendments).

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roosevelt Jones, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 755-4250

RIN: 2501–AA92

1123. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 31 USC 3711; 31 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17, Subpart C

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501–AA55

1124. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (S-7-88; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 18

Legal Deadline: None

Abstract: This rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43610
NPRM Comment Period End	12/27/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of the Secretary, 202 755-6713

RIN: 2501–AA75

1125. DEBARMENT, SUSPENSION AND LIMITED DENIAL OF PARTICIPATION—ALL-CASH SALES EXCEPTION (S-4-87; FR-2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This interim rule contains provisions of the common rule on Nonprocurement Debarment and Suspension which HUD could not adopt at the time that rule was published because of statutory requirements for congressional pre-publication review. These provisions relate to the application of debarment and suspension to foreign governments and organizations. The interim rule also deletes the exception for all cash sales at 24 CFR 24. The exception is being removed as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/88	53 FR 30049
Interim Final Rule Effective	10/01/88	53 FR 30049
Interim Final Rule Comments Due	10/11/88	53 FR 30049

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for Inspector General & Admin. Proceedings, Department of Housing and Urban

Development, Office of the General Counsel, **202 755-7200**

RIN: 2501–AA60

1126. IMPLEMENTATION OF THE DRUG-FREE WORKPLACE ACT OF 1988 (COMMON RULE)(S-11-88; FR-2598)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This rule establishes drug-free workplace requirements for Federal contractors and grantees. OMB's Office of Federal Procurement Policy has the lead in developing a governmentwide common rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marylea Byrd, Trial Attorney, Department of Housing and Urban Development, Office of the General Counsel, **202 755-9886**

RIN: 2501–AA78

1127. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS; IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11990; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	01/04/90	55 FR 396
NPRM Comment Period End	03/05/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7894**

RIN: 2501–AA23

1128. ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG, HOMELESS ASSISTANCE, RENTAL REHAB, AND HOUSING DEVELOPMENT DEVELOPMENT GRANT PROGRAMS (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item makes final two current interim rules. These rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: provisions for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

This item also provides for the extension of the rule to the new programs authorized by the Stewart B. McKinney Homeless Assistance Act - P.L. 100-77, as amended by P.L. 100-628.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, **202 755-6611**

RIN: 2501–AA25

1129. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made

effective, but has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	05/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501–AA63

1130. MORTGAGE INSURANCE FOR LAND DEVELOPMENT—TITLE X OF THE NATIONAL HOUSING ACT; PROPOSED TERMINATION OF PROGRAM (S-5-89; FR-2677)

Significance: Agency Priority

Legal Authority: 12 USC 1749jj

CFR Citation: 24 CFR 205

Legal Deadline: None

Abstract: This final rule will terminate the mortgage insurance program authorized under Title X of the National Housing Act. Under Title X, HUD insures mortgages to finance the purchase of land and the development of building sites, water and sewer systems, streets, and lighting and other installations needed for residential communities.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 33039
NPRM Comment Period End	10/10/89	54 FR 33039
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edwin W. Baker, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2501–AA84

1131. TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM CERTAIN HUD PROGRAMS (S-12-88; FR-2609)

Significance: Agency Priority

Legal Authority: 8 USC 1255(h); 8 USC 1255(i)

CFR Citation: 24 CFR 213; 24 CFR 221; 24 CFR 237; 24 CFR 511; 24 CFR 570; 24 CFR 49; 24 CFR 203; 24 CFR 207; 24 CFR 234

Legal Deadline: None

Abstract: This rule will complete the action necessary to implement section 201(a) of the Immigration Reform and Control Act (IRCA) of 1986 (100 Stat. 3394, 3401) for HUD programs. That Act authorized the Attorney General to identify the programs of Federal financial assistance to which the temporary disqualification of certain newly legalized aliens applies. The Attorney General issued a proposed rule in 1987 (52 FR 31784) listing numerous HUD programs. The Attorney General's revised rule on this subject was published on July 12, 1989 (54 FR 29434), eliminating a few of the HUD programs previously listed--including all of the assisted housing programs covered by another pending HUD rule (FR-2383).

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501–AA77

1132. VERIFICATION OF HUD APPLICANT AND PARTICIPANT EMPLOYMENT AND WAGE AND CLAIM JUSTIFICATION (S-10-88; FR-2588)

Legal Authority: 42 USC 3544; PL 100-628

CFR Citation: 24 CFR 760; 24 CFR 813; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 900; 24 CFR 903; 24 CFR 905; 24 CFR 913; 24 CFR 960

Legal Deadline: Other, Statutory, September 30, 1989.
Section 904 statutorily takes effect on September 30, 1989 (although there is an early implementation option in the statute).

Abstract: The regulation implementing section 904 of the McKinney Amendments would require applicants and participants in certain HUD programs to sign consent forms permitting (1) HUD, PHA or owners responsible for determining eligibility for or level of benefits to verify employee income information with previous or current employers, and (2) HUD or the PHA to request wage and claim information from a State unemployment agency. Signing the consent from would be a condition of eligibility or continuing eligibility for the covered program. The rule would provide limitations on the collection, maintenance, use, and dissemination of wage and claim information obtained from a State unemployment agency. Criminal and civil penalties are also specified.

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	54 FR 46506
NPRM Comment Period End	01/02/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis A. Raschka, Director, Fraud Control Division, Department of Housing and Urban

HUD—HUDSEC **Final Rule Stage**

Development, Office of the Inspector General, **202 426-6493**

RIN: 2501–AA80

1133. EXCLUSIONS FROM INCOME FOR STUDENTS AND WORKING RESIDENTS OF ASSISTED HOUSING (S-9-89; FR-2691)

Significance: Agency Priority

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 813.106; 24 CFR 913.106; 24 CFR 215.21; 24 CFR 236.3

Legal Deadline: None

Abstract: To encourage a transition from welfare dependency to employment of residents, this rule would exclude from income (1) the portion of scholarships intended to cover subsistence expenses; and (2) a portion of income from comprehensive state or local job training and employment programs (or the entire amount for up to six months). The rule would also exclude payments for the care of foster adults to rectify an inequity between treatment of payments for foster children and foster adults, who are usually handicapped persons, unrelated to the tenant family, who are unable to live alone.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Theodore R. Daniels, Director, Financial Management and Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-8145**

RIN: 2501–AA89

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) **Prerule Stage**

Office of Housing (OH)

1134. ● REGIONAL UNDERWRITING PROCEDURES AND CRITERIA (H-15-90; FR-2776)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 234; 24 CFR 200.163

Legal Deadline: None

Abstract: This rule would prescribe the procedures for establishing when the Secretary would use special underwriting standards in a specific market area because of the increased risk of loss or default due to economic conditions in that area. This rule would also set out the underwriting criteria that would be imposed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 755-6700**

RIN: 2502–AE97

1135. ● REFINANCING FHA-INSURED MORTGAGES (H-16-90; FR-2777)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203.43(c); 24 CFR 234.43(c)

Legal Deadline: None

Abstract: This rule would revise current regulations to require that the monthly payment for principal and interest for a mortgage given to refinance a current insured mortgage must be reduced by a minimum amount prescribed by the Secretary. Existing regulations require only that the monthly payment for the refinance mortgage be reduced from what the amount of the payment was on the old mortgage. The purpose of this rule is to prevent lender abuse of the Department's streamlined refinance program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 755-6700**

RIN: 2502–AE98

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) **Proposed Rule Stage**

Office of Housing (OH)

1136. PRE-FORECLOSURE SALE OPTION (H-12-89; FR-2682)

Legal Authority: 12 USC 1710

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 1064 of the Stewart N. McKinney Homeless Assistance Amendments Act of 1988 authorizes HUD to add pre-foreclosure sales to its roster of servicing options, as a means of saving the Department money and of assisting qualified mortgagors to avoid foreclosure of their FHA-insured mortgages. The Department may now pay a claim to a mortgagee to "bridge the gap" between the proceeds of a sale of the property to a third party buyer at current fair market value, and the original owner's indebtedness under the note. Until the Department received the authorization to pay these claims, such pre-foreclosure sales (or "short sales," as they are also known) were

impracticable. At this time, implementing regulations are being planned to introduce the pre-foreclosure sale option throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502–AE72

1137. ● PROVISION OF DRUG-FREE HOUSING (H-14-90; FR-2775)

Legal Authority: Not yet determined

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would propose a change to the Section 8 regulations to permit security costs necessary to combat drug use to be paid through Section 8 special adjustments.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning and Procedures Division, Office of Housing, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE96

1138. USE OF MATERIAL BULLETIN 40C—GRADEMARKING OF PLYWOOD (H-21-85; FR-2407)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AD01

1139. CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)

Significance: Regulatory Program

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) removing Federal agency standards for solar energy and thermal insulation standards and referencing a model energy code instead; (4) relying on EPA approved local or State water purification systems with individual sources of unsafe water; (5) revising the time for periodic changes to the MPS; and (6) making technical changes to Section 100-1.2 and 100-1.3 Housing for the Elderly and Requirements for Accessibility to Physically Handicapped People in HUD Handbook 4910.1.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE64

1140. ● FHA APPRAISAL STANDARDS AND COORDINATION WITH GNMA (H-6-90; FR-2742) REFORM ACT

Significance: Agency Priority

Legal Authority: PL 101-235

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: Section 142(d) of the Department of HUD Reform Act of 1989 requires the Federal Housing Administration and the Government National Mortgage Association to notify each other whenever either initiates proceedings that could lead to the withdrawing of a mortgagee from participation in their programs. Upon receipt of such a notice the notified agency would conduct its own investigation of the mortgagee. Section 142(e) of the Reform Act directs the Secretary of HUD to prescribe specific appraisal standards for all properties to be insured by the Federal Housing Administration. This rule will promulgate the regulations necessary to implement these statutory provisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Monroe, General Deputy Assistant Secretary for Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6490

RIN: 2502–AE89

1141. REVISED UNDERWRITING AND LOAN ORIGINATION REQUIREMENTS FOR TITLE I LOANS (H-5-89; FR-2623)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would amend the Title I regulations to require that: (1) the lender shall conduct a personal or telephone interview with the borrower to ascertain the accuracy and completeness of the credit application; (2) all manufactured homes insured under Title I shall comply with federally prescribed site installation requirements; (3) the lender or its agent shall conduct a post- disbursement site inspection of the manufactured home to

detect any program fraud or misrepresentation by the dealer or the borrower; (4) the use of manufactured home loan proceeds to finance the purchase of wheels and axles and extended warranty coverage is eliminated; and (5) the lender shall give the borrower written notice of the actions HUD may take to recover the debt if a claim is paid, including the assessment of administrative costs for servicing the loan. In addition, this rule would revise the present procedures for the annual adjustment of each lender's insurance reserve account.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502–AE67

1142. DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-26-88; FR-2487)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203.400

Legal Deadline: None

Abstract: At present, there is no regulatory control over the time period during which mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claims within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-8680

RIN: 2502–AE51

1143. REFINANCING OF FHA-INSURED ADJUSTABLE RATE MORTGAGES (H-10-89; FR-2668)

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: This rule would revise current regulations to make practicable a refinancing from an adjustable rate FHA mortgage to a fixed rate FAA mortgage. Existing regulations require a reduction in regular monthly mortgage payment on all FHA refinancings. This rule would exempt ARM's from that requirement.

Timetable:

Action	Date	FR Cite
NPRM	02/27/90	55 FR 6806
NPRM Comment Period End	04/30/90	55 FR 6806
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE71

1144. SINGLE FAMILY PROPERTY DISPOSITION SALES PROCEDURE (H-14-89; FR-2683)

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 24 CFR 291

Legal Deadline: None

Abstract: This regulation will describe the policies and procedures applicable to the disposition of one-to-four family properties acquired as a result of the FHA mortgage insurance program. These policies and procedures are expected to enumerate the process for individuals, public agencies and organizations such as nonprofits to purchase and/or lease HUD properties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Single Family Property Disposition Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502–AE75

1145. ● AMENDMENT TO MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS FOR RENTAL PROPERTIES (H-3-89; FR-2713)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This proposed rule will amend 24 CFR 203.42. Upon its effective date, it will provide an exception to the Seven Unit Rule, in cases where a local government/entity is investing "substantial amount" of money/effort in rehabilitating neighborhoods.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE84

1146. ● RETROACTIVE INSURANCE ENDORSEMENT (H-17-90; FR-2780)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 234; 24 CFR 200.163

Legal Deadline: None

Abstract: This rule would not permit lenders to submit applications for insurance endorsement if the loan was closed more than one year prior to the date of submission for endorsement.

The purpose of this rule is to encourage lenders to submit mortgages for insurance endorsement in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE91

1147. ● HOUSING COUNSELING ACTIVITIES (H-9-90; FR-2753)

Legal Authority: 12 USC 1715z

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This new regulation will provide guidance for housing counseling activities by codifying existing HUD procedures providing for grants to housing counseling agencies under sec. 106 of the HUD Act of 1968.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Curtis D. Myron, Chief, Secretary-Held and Counseling Services Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6664

RIN: 2502–AE92

1148. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15; PL 100-242, Sec 261

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: This rule would codify HUD policies for implementing section 250(a) and (b) of the National Housing Act, as added by section 433 of the Housing and Urban-Rural Recovery Act of 1983 and amended by section 261 of the Housing and Community Development Act of 1987. This rule would restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment. Additional requirements imposed on the prepayment of multifamily project mortgages by Title II, Subtitle B of the Housing and Community Development Act of 1987 have been implemented by separate rulemaking (FR-2450; H-10-88; RIN: 2502-AE34).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AC49

1149. ● AMENDMENTS TO PARTICIPATION REVIEW COMMITTEE PROCEDURES (H-2-90; FR-2708)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 210

Legal Deadline: None

Abstract: This proposed rule will modify the existing procedures governing the Form 2530 review process. The primary change involves expanding the ability of the Participation Review Committee to deny approval for principals who are experiencing financial default, assignments or foreclosure. The current procedures require that the Committee must obtain evidence that any defaults are attributable to mismanagement on the part of the principal. We are now proposing that the Committee have the ability to deny approval with or without such evidence. We are also proposing other changes to the procedures involving hearing rights and the types of principals which will require Form 2530 procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Willim Heyman, Director, Office of Lender Activities and Land Sales Registration, Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502–AE83

1150. AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE PROGRAM REGULATIONS—RETIREMENT SERVICE CENTERS (H-16-89; FR-2685)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 221

Legal Deadline: None

Abstract: As warranted by retirement service center study period, regulation will be revised to tighten program and underwriting requirements, or permanently to terminate the program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Brown, Deputy Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502–AE78

HUD—OH

Proposed Rule Stage

1151. ● AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE REGS—SINGLE ROOM OCCUPANCY FACILITIES (SROS)—(H-13-90; FR-2774)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 221

Legal Deadline: None

Abstract: Proposed rule will implement program to insure new construction or substantial rehabilitation of SRO projects to provide affordable housing opportunities. Units that are not self-contained will be eligible for insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frank Brown, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502–AE95

1152. ● REFINANCING SECRETARY-HELD MORTGAGES COVERING NURSING HOMES (H-11-90; FR-2752)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232; 24 CFR 252

Legal Deadline: None

Abstract: This is a technical rule removing an ambiguity in the current regulations by clarifying the Secretary of HUD's authority to refinance Secretary-held as well as currently insured (or coinsured) mortgages covering nursing homes or related facilities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Matt Andrea, Program Housing Specialist, Department of Housing and Urban Development, Office of Housing, 202 755-4956

RIN: 2502–AE94

1153. ● SECTION 241 SUPPLEMENTAL LOAN PROGRAM FOR MULTIFAMILY PROJECTS (H-7-90; FR-2743) REFORM ACT

Significance: Agency Priority

Legal Authority: 12 USC 1715b, 1715z-6; 42 USC 3535(d)

CFR Citation: 24 CFR 241

Legal Deadline: None

Abstract: Section 204(b) of the Department of HUD Reform Act of 1989 revises HUD's section 241 program of insured supplemental loans for multifamily projects by authorizing the Secretary, when underwriting these rehabilitation loans, to assume that any HUD rental assistance being provided to the project for purposes of reducing the debt service will be continued for the full term of the loan. This proposed rule is intended to implement this section.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Luton, Acting Director, Insurance Division, Office of Insured Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6223

RIN: 2502–AE90

1154. ● TERMINATION OF THE MULTIFAMILY COINSURANCE PROGRAM (H12-90; FR-2763)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 251; 24 CFR 252; 24 CFR 255

Legal Deadline: None

Abstract: This rule proposes termination of the authority currently set out at 24 CFR 251, 252 and 255 providing for FHA insurance of loans made for the construction and rehabilitation of multifamily housing on a coinsured basis. The purpose of the rule is to terminate a program that has been found by the Department, after extensive analysis, to be structurally flawed and fundamentally unsound.

Timetable:

Action	Date	FR Cite
NPRM	03/27/90	55 FR 11332
NPRM Comment Period End	05/29/90	55 FR 11332
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew C. Andrea, Jr., Acting Director, Procedures and Evaluation Division, Office of Multifamily Coinsurance, Department of Housing and Urban Development, Office of Housing, 202 755-4956

RIN: 2502–AE85

1155. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS—MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

CFR Citation: 24 CFR 290; 24 CFR 886; 24 CFR 27

Legal Deadline: None

Abstract: This proposed rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987 and section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988. Section 181 expanded the scope of section 203 of the Housing and Community Development Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a workout agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010

further amended section 203 to clarify which units in HUD-held unsubsidized projects (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502–AD43

1156. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR-2380)

Significance: Regulatory Program

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of some Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE10

1157. ADMINISTRATIVE INSTRUCTIONS COVERING VOLUNTARY TERMINATIONS (OPT-OUT) OF EXISTING SECTION 8 CONTRACTS AND EXPIRING LOAN MANAGEMENT SET-ASIDE (LMSA) CONTRACTS (H-17-89; FR-2689)

Legal Authority: Section 262 of the Housing & Community Development Act of 1987; Section 250(a)(1) of the National Housing Act

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Legal Deadline: None

Abstract: Owners are required to give HUD and the tenants a one-year notice of an intent to opt out of a Section 8 contract where there are renewable terms remaining. A reason for opting-out must be given as well. Regarding expiring LMSA contracts, an owner is required to give HUD and the tenants a one-year notice before expiration of the contract.

Field Offices must offer to extend LMSA contracts for an additional two years, for contracts expiring prior to February 5, 1990. The Department will provide incentives to owners of projects who have submitted a notice of intent to voluntarily terminate their Section 8 contracts.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE79

1158. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987 and to propose certain revisions based on programmatic experience. It will also implement several recent statutory amendments affecting the Certificate and Housing Voucher Programs and those amendments affecting other Section 8 Programs with respect to contract rent adjustments.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN: 2502-AE44) and FR-2584 (RIN: 2502-AE63) have been merged into this item.

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502–AD91

1159. ● REFORM OF SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—MODERATE REHABILITATION (H-11-89; FR-2676) REFORM ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437a, 1437c, 1437f (U.S. Hsg Act of 1937); 42 USC 3535(d)

CFR Citation: 24 CFR 0882

Legal Deadline: None

Abstract: Recent events involving questionable practices associated with the administration of the sec. 8 Moderate Rehabilitation program raise questions concerning whether existing

regulatory controls are adequate to assure fair and equitable distribution of the Federal financial assistance administered under HUD regulations. An ongoing reexamination of all aspects of the program is expected to produce a proposal for modification of the Department's regulations along with other, nonregulatory changes in program administration, some of which have already been implemented. It is also anticipated that the proposal will contain, and serve to implement, the provisions of sec. 127 of the Department of Housing and Urban Development Reform Act of 1989.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502–AE82

1160. ● ANTI-DRUG INITIATIVE FOR THE SECTION 202 PROGRAM (H-19-89; FR-2703)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This proposed rule would strengthen the capacity of providers of section 202 housing to reject prospective tenants, or to evict current tenants for drug-related criminal activity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502–AE86

1161. ● LOANS FOR THE HOUSING FOR THE ELDERLY OR HANDICAPPED—REQUIREMENTS FOR AWARDING CONSTRUCTION CONTRACTS (H-10-90; FR-2755)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This rule amends the regulations governing the awarding of construction contracts by borrowers that have received reservations of sec. 202 loan authority and sec. 8 funding to develop housing for the elderly or handicapped. This rule gives the borrower the option of choosing its contractor by using either competitive bidding or a negotiated noncompetitive method of contract award.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert W. Wilden, Director, Assisted and Handicapped Housing Division, Department of Housing and Urban Development, Office of Housing, **202 426-8730**

RIN: 2502–AE93

1162. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.122

Legal Deadline: None

Abstract: This proposed rule would amend Part 886, which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AD69

1163. ● SECTION 8 RENT ADJUSTMENT (H-8-90; FR2745) REFORM ACT

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 888

Legal Deadline: Other, Statutory, June 13, 1990.
Sec. 801 requires HUD to issue regs in 180 days from date of enactment. HUD plans to publish a proposed rule in 3/90 and an interim rule by the stat. deadline, to allow more comment time.

Abstract: This rule will establish policy and procedure for conducting comparability studies where the Secretary has reason to believe that application of the Automatic Annual Adjustment Factor for an area would result in material differences between rents charged in HUD projects and in unassisted projects of similar quality and age in the same market area. Sec. 8(c)(2)(A) of the U.S. Housing Act of 1937 requires that assistance contracts for sec. 8 assisted housing provide for adjustments at least annually in maximum monthly rents to reflect changes in fair market rentals in an area, or on basis of a reasonable formula. Sec. 8(c)(2)(C) further provides that the adjustments not result in a material difference in rents charged for assisted or unassisted housing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE81

HUD—OH

Proposed Rule Stage

1164. CHANGES TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FROM THE CABO AND MHCSS COMMITTEES, DEPARTMENTAL STAFF AND OTHERS (H-4-89; FR-2622)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This proposed rule would update and amend various subparts of Part 3280 to reflect recommendations from industry, the Council of American Building Officials Manufactured Home Committee, and the Department's staff. Referenced standards would also be updated to reflect the Manufactured Energy Conservation Standards in Section 586 of the 1987 HCD Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE66

1165. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD60

1166. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD61

1167. MANUFACTURED HOME SAFETY STANDARDS—MONITORING INSPECTION FEE (H-2-89; FR-2613)

Legal Authority: 42 USC 5419

CFR Citation: 24 CFR 3282.307(b)

Legal Deadline: None

Abstract: States with a large number of manufacturing facilities have incurred additional expenses in monitoring and inspecting those facilities. As the regulation is now written, the monitoring inspection fee paid by the manufacturers to the Secretary is distributed to the states based on the number of new manufacturer housing units whose first location after leaving the plant is on the premises of a distributor, dealer, or purchaser in that state. 24 CFR 3282.307(b) will be amended to provide a more equitable distribution of the inspection fee proceeds that will take into account the additional expenses incurred by the states in which manufacturing facilities are located.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stuart Margulies, Program Analyst, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5798

RIN: 2502–AE65

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Final Rule Stage

1168. TENANT PARTICIPATION IN MULTIFAMILY PROJECTS (H-11-88; FR-2451) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 183

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE35

1169. SECTION 8 CERTIFICATE PROGRAM PROJECT-BASED ASSISTANCE (NEW CONSTRUCTION) (H-30-88; FR-2502)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 148 of the Housing and Community Development Act of 1987 amended section 8(d)(2) of the United States Housing Act of 1937 to require the Department to permit a PHA to attach not more than 15 percent of the section 8 Existing Housing Program assistance to existing structures if the owner agrees to rehabilitate the structure other than with assistance under the 1937 Act. Section 1005 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 requires the Department to permit PHA's to attach assistance, within the same 15 percent limit, to newly constructed units. This rule would implement these provisions by revising Subpart G to 24 CFR Part 882 for project-based certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/89	54 FR 230
Interim Final Rule	03/12/90	55 FR 9252
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502–AE56

1170. AUTHORIZE ADDITIONAL TYPES OF LOANS FOR DIRECT ENDORSEMENT PROCESSING (H-4-88; FR-2433)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to make additional types of mortgages eligible for processing through the direct endorsement program such as (1) those insured under sections 222 and 203(k) and (2) those insured pursuant to section 238(c) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	11/29/89	54 FR 49094
NPRM Comment Period End	12/29/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502–AE48

1171. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule revises the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, and Plan coverage.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
Notice of Solicitation Public Comments	11/14/84	49 FR 45075
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502–AD65

1172. SINGLE FAMILY MORTGAGE INSURANCE - OCCUPANT AND INVESTOR MORTGAGORS (H-16-88; FR-2456) 1987 HCD ACT

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR 233; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule would implement section 406 of the Housing & Community Development Act of 1987 as amended by section 143 of the Department of HUD Reform Act of 1989. Section 406 authorizes HUD (1) to insure single family mortgages under title II of the National Housing Act, or (2) to approve a substitute mortgagor for single family mortgages insured under title II, only if the mortgagor is to occupy the dwelling as a principal or secondary residence, as determined by HUD. The section exempts from the occupancy requirement, mortgagors under the Rehabilitation Loan program under section 203(k) of the National Housing Act, and certain public entity, nonprofit, serviceperson, and other mortgagors under certain National Housing Act sections.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38844
NPRM Comment Period End	12/02/88	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 755-6700**

RIN: 2502–AE40

1173. ACTION TO REDUCE LOSSES UNDER FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (H-28-88; FR-2491)

Legal Authority: 12 USC 1715b; 12 USC 1735f(1); PL 100-242, Sec 407

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to implement section 407 of the Housing and Community Development Act of 1987. That section provides that where, as a result of an annual review, the Secretary finds a mortgagee with a higher than normal default and claim rate, the Secretary shall require the mortgagee to submit a report with a plan for corrective action. Failure to submit the report or complete the plan for corrective action within the timeframe required may be cause for suspension of the mortgagee from participation in FHA programs.

Timetable:

Action	Date	FR Cite
NPRM	05/22/89	54 FR 21978
NPRM Comment Period End	07/21/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Acting Deputy Assistant Secretary for Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-6675**

RIN: 2502–AE52

1174. ● REMOVAL OF CODIFIED LANGUAGE FOR INACTIVE TEMPORARY MORTGAGE ASSISTANCE PAYMENTS PROGRAM (H-18-90; FR-2791)

Legal Authority: 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: This final rule removes from the Code of Federal Regulations language concerning the Temporary Mortgage Assistance Payments (TMAP) program that has never been made effective. Since the Code now contains two sets of provisions pertaining to assistance to homeowners in default on FHA-insured mortgages that bear overlapping section numbers, this rule is needed to remove the TMAP provisions and to make technical changes in the provisions governing under section 230(b) of the National Housing Act. Among the technical changes is a requirement that a mortgagee inform a mortgagor of the possible right to assignment before it accepts a deed in lieu of foreclosure from the mortgagor.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-0346**

RIN: 2502–AE99

1175. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment Period End	07/21/88	53 FR 20649

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE26

1176. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment Period End	02/19/88	52 FR 48276

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502–AC73

1177. PREPAYMENT OF MORTGAGES ON LOW- AND MODERATE-INCOME HOUSING (H-10-88; FR-2450) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: PL 100-242; PL 100-628; PL 101-235

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CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248; 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: The regulation implements provisions of the Housing and Community Development Act of 1987 that provide that mortgages on "eligible low-income housing" may be prepaid only in accordance with a "plan of action" approved by the Secretary. The regulation establishes procedures for the submission and negotiation of such plans of action, lists incentives which may be part of the plan of action, and provides standards which the plans of action must meet. The regulation is designed to preserve needed low income housing in cases where the project owner might otherwise prepay its mortgage and convert the project to higher-income use.

The final rule implements applicable amendments to Title II made by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 and the Department of HUD Reform Act of 1989. Any amendments to Title II made by the HUD Reform Act of 1989 that necessitate public comment before implementation through rulemaking will be implemented through a new proposed or interim rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/88	53 FR 11224
Interim Final Rule Effective Date	05/20/88	53 FR 11224
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE34

1178. FLEXIBLE SUBSIDY PROGRAM: CAPITAL IMPROVEMENT LOANS (H-34-88; FR-2541)

Legal Authority: 12 USC 1715z-1a

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: This rule implements amendments made to section 201 of the Housing and Community Development Amendments of 1978 to broaden the categories of projects eligible for assistance under the Flexible Subsidy program and to create a program of loans for capital improvements to multifamily housing projects, under specified terms and conditions set out in the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/89	54 FR 9708
Interim Final Rule Effective	03/07/89	54 FR 9708
Interim Final Rule Comment Period End	05/08/89	54 FR 9708
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE55

1179. ● SINGLE FAMILY PROPERTY DISPOSITION FOR THE HOMELESS INITIATIVE (H-20-89; FR-2704)

Significance: Agency Priority

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 291; 24 CFR 577; 24 CFR 578

Legal Deadline: None

Abstract: This interim rule will codify the Department's revised and expended procedures intended to make available nationwide a much larger number of HUD-owned one- to four-family dwellings from the single family property disposition inventory for lease or sale to nonprofit and governmental agencies assisting homeless persons. (This rule will be published in advance of a larger rule intended to codify in regulations HUD's entire Single Family Property Disposition Program (FR-2683))

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/90	55 FR 1156
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Single Family Property Disposition Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502–AE80

1180. SECTION 8 CERTIFICATE AND HOUSING VOUCHER PROGRAM—DENIAL AND TERMINATION OF ASSISTANCE FOR DRUG-RELATED ACTIVITIES (H-9-89; FR-2662)

Significance: Regulatory Program

Legal Authority: 42 USC 1427(f)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None

Abstract: This propose rule revises Section 8 Certificate and Housing Voucher regulations to permit PHA to terminate assistance to participants and deny assistance to applicants who are involved in drug-related criminal activities or other serious criminal activities.

Timetable:

Action	Date	FR Cite
NPRM	10/26/89	54 FR 43594
NPRM Comment Period End	11/27/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE70

1181. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under

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section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AC03

1182. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DAVIS-BACON WAGE RATE (H-6-89; FR-2589)

Legal Authority: 12 USC 1701(q)(c)(3)

CFR Citation: 24 CFR 885.415; 24 CFR 885.420; 24 CFR 885.422

Legal Deadline: None

Abstract: This rule will implement a statutory change in the 202 direct loan program contained in sec. 162(b)(3) of the HCD Act of 1987, providing that Davis-Bacon wages are not required whenever a 202 Project contains 12 or fewer family units. (Before the Amendment, Davis-Bacon was applied to all section 202/8 projects, without regard to project size.)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Justin Logsdon, Assistant to the Secretary for Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2502–AE69

1183. REAL ESTATE SETTLEMENT PROCEDURES ACT—CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Regulatory Program

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub. L. 98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The rule will also contain miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 755-6550

RIN: 2502–AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

1184. RESTRICTIONS ON ALL-CASH SALES (AMENDMENT TO PART 200) (H-30-87; FR-2374)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2683 (RIN: 2502-AE75)	02/21/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Campbell 202 755-5740

RIN: 2502–AE12

1185. LEAD-BASED PAINT POISONING PREVENTION - HUD-OWNED SINGLE FAMILY PROPERTY DISPOSITION (H-8-89; FR-2655)

CFR Citation: 24 CFR 0200.815

Completed:

Reason	Date	FR Cite
Withdrawn - merged into FR-2683 (RIN 2502-AE75)	01/29/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Campbell 202 755-5740

RIN: 2502–AE73

1186. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

CFR Citation: 4 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Stephen A. Martin 202 755-3046

RIN: 2502–AC50

1187. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

CFR Citation: 24 CFR 203; 24 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	02/21/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AD34

1188. MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Completed:

Reason	Date	FR Cite
Withdrawn Merged into FR-2683 (RIN: 2502-AC75)	02/05/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jacqueline Campbell 202 755-5740

RIN: 2502–AE11

1189. REVISION TO FHA INSURANCE ON HAWAIIAN HOMELANDS RULE AND TO ASSIGNMENT RULE TO REMOVE DEPENDENCE ON TMAP RULE (H-7-89; FR-2657)

CFR Citation: 24 CFR 203.350; 24 CFR 203.350a; 24 CFR 203.404; 24 CFR 203.439; 24 CFR 203.654; 24 CFR 203.665

Completed:

Reason	Date	FR Cite
Final Action	01/04/90	55 FR 280
Final Action Effective	02/05/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: David Pinsky 202 755-5303

RIN: 2502–AE74

1190. ● TECHNICAL REVISIONS TO PARTS 207 AND 255 (H-1-90; FR-2700)

Legal Authority: 12 USC 1712; 12 USC 1715b

CFR Citation: 24 CFR 207; 24 CFR 255

Legal Deadline: None

Abstract: This is a technical amendment to the existing regulation to enable cooperative members to use secondary financing to finance or refinance "share" or "membership" ownership.

Timetable:

Action	Date	FR Cite
Final Action	02/27/90	55 FR 6796
Final Action Effective	03/29/90	55 FR 6796

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Brown, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502–AE87

1191. AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE PROGRAM REGULATIONS (H-15-89; FR-2684)

CFR Citation: 24 CFR 221; 24 CFR 207.32a; 24 CFR 232

Completed:

Reason	Date	FR Cite
Withdrawn	01/19/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Brown 202 755-6500

RIN: 2502–AE77

1192. REVISED CAPITAL REQUIREMENTS FOR HUD MULTIFAMILY COINSURANCE PROGRAMS (H-13-89; FR-2681)

CFR Citation: 24 CFR 251; 24 CFR 252; 24 CFR 255

Completed:

Reason	Date	FR Cite
Withdrawn	02/14/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew C. Andre, Jr. 202 755-4956

RIN: 2502–AE76

1193. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn	02/05/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502–AD66

1194. ● REVISIONS TO SECTION 8 MODERATE REHABILITATION PROGRAM (H-5-90; FR-2741) REFORM ACT

Legal Authority: 42 USC 1437a to 1437c; 42 USC 3535(d); 42 USC 1437(f)

CFR Citation: 24 CFR 882 - Subparts D & E

Legal Deadline: None

Abstract: The Department of HUD Reform Act of 1989 requires the following revisions to HUD's Section 8 - Moderate Rehabilitation regulations (1) rehabilitation work must involve a minimum expenditure of $3000 per unit; (2) subsidy determinations must take into account tax credits and (3) assistance may not be provided for any project for the rehabilitation of more than 100 units. In addition to these charges other revisions designed to reform and improve the moderate rehabilitation may be included in the proposed rule.

Timetable:

Action	Date	FR Cite
Withdrawn - Merged into FR-2676 (RIN: 2502-AE82)	02/21/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted

HUD—OH **Completed Actions**

Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE88

1195. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DURATION OF SECTION 202 FUND RESERVATION (H-33-88; FR-2536)

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	03/12/90	55 FR 9117
Final Action Effective	04/12/90	55 FR 9117

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden 202 426-8730

RIN: 2502–AE58

1196. SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLINGS FOR HOMELESS INDIVIDUALS (H-1-89; FR-2539)

Significance: Agency Priority

CFR Citation: 24 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	11/07/89	54 FR 46828
Final Action Effective	12/22/89	54 FR 52795

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Goldberger 202 755-5720

RIN: 2502–AE62

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage

Office of Community Planning and Development (CPD)

1197. ● RENTAL REHABILITATION GRANT PROGRAM (CPD-4-90; FR-2771)

Significance: Agency Priority

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-181, Sec. 301; 42 USC 3535(d)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: The rule proposes to make the following changes to the Rental Rehabilitation Program (RRP): (1) For any project rehabilitated with rental rehabilitation grant (RRG) funds, completion of rehabilitation will occur within two years and 90 days from the date of commitment in the Cash and Management Information System; (2) A project previously assisted with RRG funds is ineligible to be funded again using RRP funds, except that a project may be amended for up to one year after completion and may be eligible for RRP funding if 10 years have gone by since completion; (3) Affirmative marketing procedures would apply to RRP projects containing 25 or more residential units which are vacant after rehabilitation or later become vacant; (4) If applicable, the potential grantee is to certify that its RRP is responsive to the priority needs for housing identified in its Housing Assistance Plan under 24 CFR 570.306; (5) The proposed rule establishes threshold factors and other factors for reallocating RRP funds; (6) The rule proposes to increase the minimum project cost from an average of at least $600 per dwelling unit per project for (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: eligible project costs to an average of at least $1000 for such costs; and (7) The rule proposes to clarify the corrective and remedial actions section.

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA99

1198. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income person levels, requirements for meeting the three national objectives, the 60% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85 as well as other program policy requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6322

RIN: 2506–AA38

1199. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

HUD—CPD **Proposed Rule Stage**

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed rule would revise the Community Development Block Grant Program rules (24 CFR Part 570) for the entitlement and HUD-administered small cities programs, as necessary to implement certain changes in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved Feb. 5, 1988), and the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989 (Pub. L. 100-404, approved Aug. 19, 1988). The requirements for States will be covered in the State proposed rules.

The proposed rule would address:

1. The new requirements for a citizens participation plan;

2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11556
NPRM Comment Period End	05/29/90	55 FR 11556
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than 51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AA84

1200. ● MISCELLANEOUS AMENDMENTS (CPD-5-90; FR-2772)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: Miscellaneous revisions to CDBG rules for clarification, to include new certifications, to define income, to correct sanctions to reflect judicial decisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AB01

1201. ● CDBG GRANTS TO INDIAN TRIBES (CPD-3-90; FR-2735) REFORM ACT

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: Section 702 of the Department of Housing and Urban Development Reform Act of 1989 moves the CDBG funding of Indian Tribes from the Secretary's Discretionary Fund to a set aside of up to one percent from amounts appropriated for the CDBG Entitlement of a competitive process for the distribution of funds for Tribes, and requires the Secretary to administrator grants to Indian Tribes through the Office of Indian and Alaska Native Programs. This rule would make the regulatory revisions necessary to implement sec. 702.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506–AB02

1202. ● REVISIONS TO HUD ENTERPRISE ZONE REGULATIONS (CPD-7-89; FR-2692)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 596

Legal Deadline: None

Abstract: Amendments to existing enterprise zone legislation are currently under legislative consideration. This proposed rule (which is dependent upon the adoption of pending legislation) would implement the new law insofar as it affected HUD's rule as selector of enterprise zones.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael T. Savage, Deputy Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6588

RIN: 2506–AB00

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Final Rule Stage

1203. UNIFORM RELOCATION ACT AMENDMENTS OF 1987—TECHNICAL AMENDMENTS (CPD-3-89; FR2624)

Legal Authority: PL 100-17

CFR Citation: 24 CFR 236; 24 CFR 290; 24 CFR 510; 24 CFR 511; 24 CFR 570; 24 CFR 571; 24 CFR 575; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 905; ...

Legal Deadline: Final, Statutory, April 2, 1989.
The 1987 Amendments to the Uniform Act become effective April 2, 1989.

Abstract: The 1987 Amendments to the Uniform Relocation Act (P.L. 100-17) make numerous changes to the Uniform Act. Among the changes is the expansion of coverage to displacement resulting from rehabilitation, demolition or privately undertaken acquisition carried out for a federally assisted project or program. For HUD-assisted community development and housing programs, the expanded coverage will apply to displacements occurring on or after April 2, 1989. The amendments will contain the necessary conforming changes to HUD programs consistent with the final governmentwide rule implementing the 1987 Amendments to the Uniform Act. (See Federal Register (53 FR 4964) dated February 19, 1988.)

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506–AA92

1204. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301; PL 100-242, Sec 149; PL 100-242, Sec 150; PL 100-242, Sec 311; PL 100-628, Sec 1006; PL 100-628, Sec 1007

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA55

1205. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment Period End	12/04/87	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul D. Webster, Director, Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506–AA66

1206. CONSERVING NEIGHBORHOODS BY PROHIBITING DISPLACEMENT (CPD-3-88; FR-2474) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This final rule implements section 509 of the Housing and Community Development Act of 1987 which requires an antidisplacement program as a condition to CPDG or UDAG amount.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 31234
Interim Final Rule Comments Due	10/17/88	53 FR 31234
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Division, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506–AA82

1207. COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAM (CPD-1-89; FR-2616)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

HUD—CPD **Final Rule Stage**

Legal Deadline: None

Abstract: This rule would revise and update the Department's procedures governing the issuance of technical assistance awards under Title I of the Housing and Community Development Act of 1974. It would clarify the Department's authority to make such awards and to make the procedures more efficient and cost-effective. It would also make changes required by the Department of Housing and Urban Development Reform Act of 1989 (P.L. 101-235

Timetable:

Action	Date	FR Cite
NPRM	12/11/89	54 FR 50952
NPRM Comment Period End	02/09/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maggie H. Taylor, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6090**

RIN: 2506–AA90

1208. ● PUBLIC SERVICES CDBG (CPD-6-90; FR-2773)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: Interim regulation to permit CDBG entitlement grantees to include program income in calculating that amount of CDBG funds they may obligate for public services.

Minor modification to existing rule to increase grantee flexibility. Makes regulation more consistent with statute which permits grantees to retain program income so long as they use it in accordance with program requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Broadens Grantee Flexibility Imposes No New Burdens

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-5977**

RIN: 2506–AB03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions

Office of Community Planning and Development (CPD)

1209. COMPREHENSIVE HOMELESS ASSISTANCE PLAN (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (CPD 9-89; FR-2386; FORMERLY S-1-89)

Significance: Regulatory Program

CFR Citation: 24 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	11/03/89	54 FR 46566
Final Action Effective	12/21/89	54 FR 52396

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Forsberg 202 755-6300

RIN: 2506–AA96

1210. RENTAL REHABILITATION PROGRAM (CPD-11-88; FR-2558)

CFR Citation: 24 CFR 511

Completed:

Reason	Date	FR Cite
Final Action	11/15/89	54 FR 47654
Final Action Effective	12/22/89	54 FR 52795

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar 202 755-5970

RIN: 2506–AA88

1211. EMERGENCY SHELTER GRANTS PROGRAM (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (CPD-11-89; FR-2562; FORMERLY S-6-88)

CFR Citation: 24 CFR 576

Completed:

Reason	Date	FR Cite
Final Action	11/07/89	54 FR 46794
Final Action Effective	12/21/89	54 FR 52396

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Forsberg 202 755-6300

RIN: 2506–AA95

1212. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (CPD-12-89; FR-2581)

Significance: Agency Priority

CFR Citation: 24 CFR 577; 24 CFR 578

Completed:

Reason	Date	FR Cite
Final Action	11/08/89	54 FR 47024
Final Action Effective	12/22/89	54 FR 52794

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Forsberg 202 755-6300

RIN: 2506–AA98

1213. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (CPD-10-89; FR-2585; FORMERLY S-3-89)

CFR Citation: 24 CFR 579

HUD—CPD **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	11/07/89	54 FR 46812
Final Action Effective	12/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Forsberg 202 755-6300

RIN: 2506–AA97

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Office of Fair Housing and Equal Opportunity (FHEO)

1214. NONDISCRIMINATION IN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS (FHEO-1-89; FR-2629)

Legal Authority: 42 USC 5309

CFR Citation: 24 CFR 000

Legal Deadline: None

Abstract: The regulation will provide for procedural rules under Section 109 of the Housing and Community Development Act of 1974, which prohibits discrimination based on race, color, national origin, or sex in any program funded under the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Eleanor G. Clagett, Director, Program Compliance Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5404**

RIN: 2529–AA42

1215. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, **202 755-6207**

RIN: 2529–AA28

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Fair Housing and Equal Opportunity (FHEO)

1216. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SEC. 504 OF THE REHAB ACT AND OTHER AUTHORITIES (FH&EO-3-88; FR-2531)

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: Conforming HUD rules to comply with Sec. 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Pearl, Program Standards and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5288**

RIN: 2529–AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Fair Housing and Equal Opportunity (FHEO)

1217. ● FAIR HOUSING COMPLAINT PROCESSING—MISC. REVISIONS TO PART 103 (FHEO-1-90; FR-2725)

Legal Authority: 42 USC 3601 to 3620; 42 USC 3535(d)

CFR Citation: 24 CFR 103.225; 24 CFR 103.400

Legal Deadline: None

Abstract: This final rule effects minor changes in the Administrative process associated with the investigation and processing of Fair Housing complaints. The changes involve the designation of HUD officers required to notify the parties to the complaint concerning HUD determinations, the nature of the notification used, and the nature of public disclosure by HUD of its

HUD—FHEO **Completed Actions**

determinations. Purpose of the rule is to simplify case processing.

Timetable:

Action	Date	FR Cite
Final Action	01/31/90	55 FR 3209
Final Action Effective	03/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Rodriquez, Office of Deputy Assistant for Enforcement and Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6836

RIN: 2529–AA44

1218. FAIR HOUSING ENFORCEMENT SUPPORT PROGRAM; PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-89; FR-2687)

CFR Citation: 24 CFR 111; 24 CFR 120; 24 CFR 125

Completed:

Reason	Date	FR Cite
Withdrawn	01/09/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Maxine Cunninghamm 202 755-6836

RIN: 2529–AA43

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Office of Administration (OA)

1219. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535–AA16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Administration (OA)

1220. OMB CIR. A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR-2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This rule is part of a governmentwide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535–AA15

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Administration (OA)

1221. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C—SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

CFR Citation: 24 CFR 3

Completed:

Reason	Date	FR Cite
Withdrawn	02/06/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Albert M. Miller 202 755-6310

RIN: 2535–AA01

HUD—OA

Completed Actions

1222. REVISIONS OF HUDAR TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR-2534)

CFR Citation: 48 CFR 2401; 48 CFR 2402

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gladys Gines 202 755-5294

RIN: 2535–AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Public and Indian Housing (PIH)

1223. ● PHA'S ESTABLISHMENT OF HOUSING DEVELOPMENT AND OTHER NON-PROFIT CORPORATIONS (P-1-90; FR-2781)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: New regulation to provide specific requirements for PHAs using their statutory authority to establish housing development corporations and other non-profit corporations, most of which are established pursuant to State incorporation laws for non-profit organizations. At the present, HUD has no specific regulation or requirements which address the establishment or operation of HDCs. Due to the wide range of activities that HDCs participate in and their different corporation structures, HUD regulations are essential; particularly in the areas of identity of interest relationships, profits or excess revenues, project syndications, and PHA liability.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Policy Staff, Office of Public & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA81

1224. ● PUBLIC HOUSING DEVELOPMENT (P-3-90; FR-2783)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: Amendments to existing regulation on development of public housing including: (1) total development cost guidelines and "cap"; (2) provisions on major reconstruction of obsolete projects; (3) limitation of Federalization of State or local projects to cases involving conversion to homeownership; (4) prohibition of new construction, unless it is less costly than acquisition or there is insufficient housing available for acquisition; (5) priority for large family units; (6) elimination of separate application procedures for central cities and other types of jurisdictions; and (7) incorporation of current statutory conditions for development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Policy Staff, Office of Public and Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA83

1225. ● ANNUAL CONTRIBUTION FOR OPERATING SUBSIDY (P-4-90; FR-2784)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: Amendment to the existing regulation on public housing operating subsidy (PFS regulation) to provide greater incentive for PHAs to achieve and maintain full occupancies of their public housing units, in accordance with their existing obligations under their Annual Contributions Contracts. Effective in 1991, the rule would substitute 98 percent for the present 97 percent full occupancy level (The actual occupancy rate required for full subsidy eligibility). Payment of operating subsidy for excess vacant units (in excess of the 2 percent vacancy rate allowed under 98 percent full occupancy level) would be eliminated, beginning with one-half of the excess vacant units in 1991, and increasing to three-quarters of the excess vacant units in 1992 and 100 per cent of the excess vacant units in 1993. This change would eliminate the present vacancy policy of the existing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Chisholm, Director, Policy Staff, Office of Public and Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA84

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1226. ● RESIDENT MANAGEMENT CORPORATION HOMEOWNERSHIP PROGRAM (P-5-89; FR-2693) REFORM ACT

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This proposed rule would codify HUD's homeownership program authorized under section 21 of U.S. Housing Act of 1937. It would provide regulatory guidance to resident management corporation on the necessary steps to be taken to purchase, hold, and later sell to tenants, units in project to be maintained for individual homeownership.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Chisholm, Director, Policy Staff, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA80

1227. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-10-88; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates for public housing maintenance employees under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Justin Logsdon, Director, Labor Relations Staff, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2577–AA68

1228. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and are within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3944.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577–AA07

1229. PUBLIC AND INDIAN HOUSING; CEILING RENTS (P-2-89; FR-2529) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 24 CFR 0913

Legal Deadline: None

Abstract: Rule to permit PHAs and IHAs to adopt, with HUD approval, rents for projects or dwelling units that would establish a cap, or ceiling on the income-based rent as currently calculated under 24 CFR 913.107, that are not more than the income-based rent and not less than the average monthly amount of debt service and operating expenses attributed to units by similar size in housing projects owned and operated by the PHA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA57

1230. LEAD-BASED PAINT POISONING PREVENTION ACT—STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988—SECTION 1088 (P-19-88; FR-2583)

Significance: Regulatory Program

Legal Authority: 42 USC 4821; PL 100-628

CFR Citation: 24 CFR 941; 24 CFR 965; 24 CFR 966; 24 CFR 968; 24 CFR 35

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628). The amendments make a number of changes to the Lead-Based Paint Poisoning Prevention Act, including to what extent abatement in public housing will be for lead in paint of .06 percent by weight of the dry paint film required; adding dust containing lead to the hazard to be abated; adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead, and deleting testing and abatement of lead-based paint during unit turnover.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

HUD—PIH **Proposed Rule Stage**

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6550

RIN: 2577–AA78

1231. SELECTION OF FAMILIES FROM THE WAITING LIST IN ASSISTED HOUSING PROGRAM (P-4-89; FR-2663)

Legal Authority: 42 USC 1437(n)(c)

CFR Citation: 24 CFR 960

Legal Deadline: None

Abstract: Section 1001(a)(3) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 amended section 16(c) of the U.S. Housing Act of 1937 to prohibit project owners from selecting families for residence in an order different from the order on the waiting list for the purpose of selecting relatively higher income families for residence. In addition, section 1001(b) of the 1988 Amendments amends section 6(c)(4)(A) of the 1937 Act to extend the prohibition to public housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA79

1232. PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipts within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA49

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH) **Final Rule Stage**

1233. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule would establish procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition, this rule would require that HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule would also require HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs would be prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA58

1234. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437n

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would establish admission procedures which set differing percentage limitations on admission of lower income families in separate assisted housing programs that when aggregated will achieve the overall 5 percent limitation on occupancy under public housing annual contribution contracts and section 8 housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15412
NPRM Comment Period End	05/31/88	53 FR 15412
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

HUD—PIH **Final Rule Stage**

Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA60

1235. PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM (P-20-88; FR-2592)

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: The Public Housing Drug Elimination Act of 1988 establishes a new HUD-administered categorical grant program to help Ps and IHAs to eliminate drug-related crime in public and Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/21/89	54 FR 26154
NPRM Comment Period End	08/21/89	54 FR 26154
Notice of Funding Availability	09/18/89	54 FR 38496
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA76

1236. INDIAN HOUSING PROGRAM—REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Significance: Regulatory Program

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will consolidate relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory authority governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
NPRM Comment Period End	09/27/88	53 FR 24554
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Dominic Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-1015**

RIN: 2577–AA32

1237. ● PUBLIC HOUSING DEVELOPMENT (P-2-90; FR-2782)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: Technical corrections to existing regulations on development of public housing. Update to conform to changes in statutes, Executive Orders and related regulations on following points: (1) insert reference to "grants" in definition of "Annual Contributions Contract"; (2) cross-reference to current intergovernmental review requirements; (3) cross-reference to current accessibility requirements; (4) conform relocation provision to current statutory requirements; and (5) incorporate statutory changes on proposal submission deadlines and reformulation. In addition, provide instructions on limited proposals for scattered-site housing, to make it clear that only pertinent items need be included.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/90	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Policy Staff, Office of Public and Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA82

1238. PUBLIC HOUSING - TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	51 FR 26504
Final Action	08/30/88	53 FR 33216
Final Rule Withdrawn	02/15/89	54 FR 6886

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577–AA18

1239. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from master metered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entities Affected: None

HUD—PIH **Final Rule Stage**

Government Levels Affected: Local, State, Federal

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577–AA27

1240. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This rule amends Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38470
NPRM Comment Period End	12/04/87	52 FR 38470

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577–AA40

1241. PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT)—FORMAL REVIEW PROCESS ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990; 24 CFR 965

Legal Deadline: None

Abstract: This rule would implement section 118(a) and 118(d) of the Housing and Community Development Act of 1987. Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs to obtain a change in allowable expense level to correct inequities in the original base year expense level, to correct for changes in operating circumstances and to reflect the level of economic distress of the locality. Section 118(d) also provides for sharing of savings between a PHA and HUD for energy conservation improvements, and for preservation of subsidy when several units are rehabilitated and combined into fewer units. In addition, the rule would specify what requirements an insurance company or other risk protection provider must satisfy in order for the coverage to comply with ACC insurance requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/19/89	54 FR 52000
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA71

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Completed Actions

1242. PUBLIC HOUSING CIAP AND COMPREHENSIVE GRANT PROGRAM (P-8-88; FR-2488)

Significance: Regulatory Program

CFR Citation: 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	12/21/89	54 FR 52686
Final Action Effective	01/22/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA66

[FR Doc. 90-5943 Filed 04-20-90; 8:45 am]

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federal register

Monday
April 23, 1990

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1990. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate agency contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Improvement, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1990 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

Dated: February 28, 1990.

Charles E. Kay,

Principal Deputy Assistant Secretary of the Interior.

Assistant Secretary for Policy, Management and Budget—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1243	Natural Resource Damage Assessments	1090-AA22

Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1244	Department of the Interior Acquisition Regulation	1090-AA14
1245	Natural Resource Damage Assessments	1090-AA21
1246	Natural Resource Damage Assessments	1090-AA23
1247	Department of the Interior, Nonprocurement Debarment and Suspension Regulation	1090-AA24
1248	Department of the Interior Acquisition Regulation; Patent Rights under Government Contracts and Subcontracts for Experimental, Developmental or Research Work	1090-AA27

Assistant Secretary for Policy, Management and Budget—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1249	Department of the Interior, New Restrictions on Lobbying	1090-AA26

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Assistant Secretary for Policy, Management and Budget—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1250	Department of the Interior Acquisition Regulation	1090-AA13
1251	Department of the Interior Procurement Ethics Regulation	1090-AA15
1252	Certification of Non-Delinquency by Applicants for Federal Financial Assistance	1090-AA25

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1253	Practices Before the Department	1092-AA00
1254	Trans-Alaska Pipeline Liability Fund	1092-AA08

Office of the Solicitor—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1255	Statement of Policy Concerning Indemnification of Department of the Interior Employees	1092-AA07

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1256	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02

Office for Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1257	Federally Assisted Programs or Activities of the Department of the Interior, Nondiscrimination on the Basis of Handicap	1091-AA03

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1258	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25

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Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1259	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA37

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1260	Captive Bred Wildlife	1018-AB10
1261	Federal Migratory Bird Hunting and Conservation Stamp Licensing Procedures and Guidelines	1018-AB40

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1262	Migratory Bird Hunting	1018-AA24
1263	Public Entry and Use	1018-AA36
1264	Refuge-Specific Sport Fishing Regulations	1018-AA50
1265	Refuge-Specific Hunting Regulations	1018-AA71
1266	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1267	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1268	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11
1269	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs	1018-AB13
1270	Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts	1018-AB15
1271	Humane Transport of Wild Mammals and Birds Amendments	1018-AB22
1272	National Wildlife Refuges: Adding to Areas Open to Hunting and Fishing	1018-AB25
1273	Highly Traded Appendix II Species	1018-AB30
1274	Injurious Wildlife: Brown Tree Snakes	1018-AB33
1275	Amendments to the Marine Mammal Protection Act	1018-AB34
1276	Endangered and Threatened Wildlife and Plants; Special Rule Allowing Regulated Taking of the Utah Prairie Dog	1018-AB39

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1277	Marine Mammals: Native Exemptions	1018-AA20
1278	Endangered and Threatened Wildlife and Plants	1018-AA85
1279	Subsistence Take of Migratory Birds	1018-AA92
1280	Endangered and Threatened Wildlife and Plants	1018-AA95
1281	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1282	Endangered and Threatened Wildlife and Plants	1018-AA98
1283	Endangered and Threatened Wildlife and Plants	1018-AB02
1284	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1285	Endangered and Threatened Wildlife and Plants	1018-AB14
1286	Marine Mammals: Change Definition of U.S. Citizen	1018-AB16
1287	Endangered and Threatened Wildlife and Plants	1018-AB18
1288	Endangered and Threatened Wildlife and Plants; Special Rules for Mammals	1018-AB19
1289	Endangered and Threatened Wildlife and Plants	1018-AB23
1290	Endangered and Threatened Wildlife and Plants; Designated Ports for Plants	1018-AB28
1291	Endangered and Threatened Wildlife and Plants: Revision of Special Regulations for the Grizzly Bear	1018-AB29
1292	Endangered and Threatened Wildlife and Plants	1018-AB31
1293	Endangered and Threatened Wildlife and Plants; Northern Spotted Owl	1018-AB32
1294	Endangered and Threatened Wildlife and Plants	1018-AB35
1295	Endangered and Threatened Wildlife and Plants	1018-AB36

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United States Fish and Wildlife Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1296	Endangered and Threatened Wildlife and Plants	1018-AB38

United States Fish and Wildlife Service—Completed Actions

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1298	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1299	Endangered and Threatened Wildlife and Plants	1018-AA84
1300	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1301	Marine Mammals: Take of Small Numbers Incidental to Specified Activities	1018-AB05
1302	Designated Port Status for Portland, Oregon	1018-AB21
1303	Determination of Experimental Population Status for an Introduced Population of Guam Rails on Rota in the Commonwealth of the Northern Mariana Islands	1018-AB26
1304	Migratory Bird Permits	1018-AB37

National Park Service—Prerule Stage

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1305	Apostle Islands National Lakeshore: Snowmobiling	1024-AB80
1306	Yellowstone National Park: Commercial Traffic on U.S. Highway 191 Within Yellowstone National Park	1024-AB82
1307	National Capital Region Parks	1024-AB91

National Park Service—Proposed Rule Stage

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1309	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1310	Mammoth Cave NP: Fishing	1024-AA94
1311	Appalachian National Scenic Trail	1024-AB07
1312	Minerals Management - Non-Federal Oil and Gas	1024-AB39
1313	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1314	Minerals Management: Nonfederal Minerals Other Than Oil and Gas	1024-AB75
1315	Sequoia and Kings Canyon National Parks: Fishing Regulations	1024-AB76
1316	Ozark National Scenic Riverways: Power Boat Operation	1024-AB85
1317	Voyageurs National Park: Snowmobiling	1024-AB86
1318	Recreation Fees	1024-AB87
1319	Voyageurs National Park: Designation of Aircraft Landing Areas	1024-AB88
1320	National Register of Historic Places	1024-AB89
1321	Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance	1024-AB90

National Park Service—Final Rule Stage

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1323	National Register of Historic Places	1024-AA44

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National Park Service—Final Rule Stage—Continued

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1325	Protection of Archaeological Resources; Uniform Regulations	1024-AA51
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1328	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1329	Everglades NP: Mining	1024-AB10
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1331	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1332	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1333	Canyon De Chelly National Monument	1024-AB47
1334	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1335	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1336	Historic Preservation Certifications Pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986	1024-AB73
1337	Management of Mineral Development Associated With Mining Claims	1024-AB74
1338	Alaska Region: Same-Day-Airborne Hunting Regulations	1024-AB81

National Park Service—Completed Actions

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1339	Cape Cod National Seashore: Off-Road Vehicle Regulations	1024-AA91
1340	Lake Chelan NRA: Target Practice	1024-AB19
1341	Ross Lake NRA: Target Practice	1024-AB28
1342	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1343	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1344	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1345	Glen Canyon National Recreation Area: Commercial Operations and Whitewater Boating Regulations	1024-AB72
1346	Yosemite National Park; Wawona Zoning Regulations	1024-AB77
1347	Indiana Dunes National Lakeshore: Zoning Standards	1024-AB79
1348	Vehicles and Traffic Safety: Mandatory Seatbelt Regulation	1024-AB83
1349	Lake Mead National Recreation Area: Glass Beverage Containers	1024-AB84

Bureau of Indian Affairs—Proposed Rule Stage

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1352	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1353	Administration of the Indian Adult Education Programs	1076-AA15
1354	Leasing and Permitting	1076-AA29
1355	Roads of the Bureau of Indian Affairs	1076-AB05
1356	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1357	Individual Indian Money Accounts	1076-AB91
1358	The Indian Police	1076-AB98
1359	Financial Assistance and Social Services Program	1076-AB99
1360	Financial Assistance and Social Services Program	1076-AC13
1361	Certificates of Degree of Indian Blood	1076-AC19
1362	Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amendments of 1988	1076-AC20
1363	Preparation of a Roll of the Coquille Indian Tribe	1076-AC21
1364	Housing Improvement Program	1076-AC22
1365	Indian Electric Power Utilities	1076-AC24
1366	Minimum Standards for and Application and Approval Procedures for BIA Early Childhood Development Programs	1076-AC25
1367	Bond Guaranty	1076-AC26
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Bureau of Indian Affairs—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
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1371	Safety and Health Inspection Program	1076-AC31
1372	Indian School Equalization Program	1076-AC33
1373	Tribal Reorganization Under a Federal Statute	1076-AC34
1374	Petitioning and Other Procedures for Tribes Reorganized Under Federal Statute and Other Organized Tribes	1076-AC35
1375	Leasing of Certain Lands on the Wind River Indian Reservation, Wyoming, for Oil and Gas Mining	1076-AC36
1376	Loans to Indians From Revolving Loan Fund	1076-AC38
1377	Loan Guaranty, Insurance and Interest Subsidy	1076-AC39
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Bureau of Indian Affairs—Final Rule Stage

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1381	Navajo Grazing Regulations	1076-AA33
1382	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
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1384	Indian Business Development Program	1076-AA55
1385	Oil and Gas Mineral Agreements	1076-AA82
1386	Attorney Fee Contracts With Indian Tribes; Payment of Tribal Attorney Fees With Federally Appropriated Funds	1076-AB87
1387	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AC09
1388	Preparation of Rolls of Indians	1076-AC11
1389	Protection of Archaeological Resources	1076-AC23
1390	Charges for Goods and Services Provided to Non-Federal Users	1076-AC29

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1391	Buy Indian Act Contracting	1076-AA56
1392	Education Personnel	1076-AB02
1393	Rights-of-Way Over Indian Lands	1076-AB89
1394	School Boards	1076-AC14
1395	Small Estates - Osage	1076-AC18

Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1396	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Rules of Particular Application	1010-AB48

DOI

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1397	Air Quality - Offshore California	1010-AA61
1398	Recoupments and Refunds of Excess Payments Under Federal Offshore Mineral Leases	1010-AB11
1399	Revision of Regulation Governing Effectiveness of Decisions and Orders Pending Appeal	1010-AB13
1400	Amendment of Valuation Benchmarks in Gas Regulations	1010-AB29
1401	Amendments to 30 CFR 250.52 to Add Requirements Intended to Prevent Occurrence of Accidental Fires Caused by Falling Slag from Welding or Burning	1010-AB31
1402	Assessment for Failure to Submit Payment of Same Amount With Report or Bill or to Provide Adequate Information	1010-AB35
1403	Removal of Federal Funding Limitation from State and Indian Cooperative Agreements	1010-AB36
1404	Amendments to Clarify 30 CFR Part 250	1010-AB41
1405	Amendment of Coal Valuation Regulations to Remove Exclusion of Taxes and Fees From Value of Federal Coal Production	1010-AB42
1406	Allowance for Extraordinary Costs and Thresholds for Transportation and Processing Allocations	1010-AB43
1407	Audit Procedures and Payor Requirements and Responsibilities During Audits	1010-AB44
1408	Responsibilities of Lessees, Payors and Assignees	1010-AB45
1409	Extension of Time Period for Maintaining Records on Outer Continental Shelf Net Profit Share Oil and Gas Leases	1010-AB46
1410	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment	1010-AB47
1411	Oil and Gas and Sulphur Operations on the Outer Continental Shelf; Amendment to Specify Documentation Requirements for Blowout Preventer Tests	1010-AB49
1412	Amendments to 30 CFR 250.67 - Hydrogen Sulfide	1010-AB50

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1413	Revision of Royalty Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts	1010-AB17
1414	Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Subpart O, Training	1010-AB21
1415	Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes	1010-AB22
1416	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart P, Sulphur Operations	1010-AB23
1417	Limitation of the Director's Authority for Discretionary Release of Postlease Proprietary Data and Information	1010-AB30
1418	Revision of Regulations Governing Interest Rate Applicable to Late Payments and Underpayments	1010-AB32
1419	Clarification of Dates for Release to the Public of Certain Data and Information Submitted in Association With Drilling and Production Operations	1010-AB34
1420	Serving of Official Correspondence Issued by the Royalty Management Program	1010-AB37
1421	Amendment to the Regulations Concerning the Requirement for Submission of a Corporate Surety Bond to Indemnify the U.S. From Default by a Lessee on the Conditions and Terms of an OCS Lease	1010-AB38
1422	Regulations Governing Recoupment of Overpayments on Indian Leases	1010-AB40

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1423	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment	1010-AB19
1424	Amendment of Dual Accounting Requirement in Gas Valuation Regulations	1010-AB28
1425	Appeals Procedures	1010-AB39

Office of Surface Mining Reclamation and Enforcement—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1426	Permanent Regulatory Program: Technical Standards for Backfilling and Grading	1029-AB37

DOI

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1427	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1428	Assessment Conference Scheduling	1029-AB22
1429	Interim Program Revisions	1029-AB24
1430	Federal Regulatory Programs; Permit Application Fees	1029-AB29
1431	Bond Release Certification	1029-AB30
1432	Individual Civil Penalties	1029-AB31
1433	Requirements for Coal Exploration	1029-AB32
1434	Cessation of Operations: Temporary Cessation	1029-AB33
1435	Standards for Review of Ownership, Control, and Violation Information	1029-AB34
1436	Permanent Regulatory Program: Multiple Seam Mining Mountaintop Removal	1029-AB35
1437	Permanent Regulatory Program: Best Technology Currently Available	1029-AB36
1438	Permanent Regulatory Program: Procedures and Criteria for Approval or Disapproval of State Program Submissions; State Program Amendments	1029-AB38
1439	Surface Coal Mining and Reclamation Permits; Requirements for Permits and Public Processing; Public Participation in Permit Processing and Review of Applications	1029-AB39
1440	Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments	1029-AB40
1441	Service of Documents	1029-AB41

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1442	Reclamation Technology Rule	1029-AA57
1443	Federal Lands Program	1029-AA76
1444	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1445	Federal Regulatory Programs; Permit Application Fees	1029-AB15

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1446	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1447	Reprocessing Coal Waste	1029-AB23

Bureau of Land Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1448	Onshore Oil and Gas Operations	1004-AB71

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1449	Paleontology	1004-AA27
1450	Recreation: General	1004-AA35
1451	Unauthorized Use of Public Lands	1004-AA38
1452	Cultural Resource Management	1004-AA69
1453	Recreation and Public Purposes: Solid Waste Disposal	1004-AA73

DOI

Bureau of Land Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1454	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing-General	1004-AA97
1455	Rights-of-Way Under the Mineral Leasing Act	1004-AA98
1456	Rights-of-Way, Principles and Procedures	1004-AB00
1457	Cadastral Survey	1004-AB07
1458	Indian Allotments	1004-AB10
1459	Geothermal Resource Operations	1004-AB18
1460	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1461	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1462	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 5 - Measurement of Gas	1004-AB22
1463	Onshore Oil and Gas Operations; Special Provisions - Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1464	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1465	Mining Claims Under the General Mining Laws	1004-AB36
1466	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37
1467	Exploration Activity; Oil and Gas Leasing; Competitive Leases	1004-AB41
1468	Coal Management—General	1004-AB44
1469	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas	1004-AB47
1470	Leases, Permits and Easements	1004-AB51
1471	Mining in Military Withdrawals	1004-AB52
1472	Special Laws and Rules; Restatement of Procedures for the Segregation and Opening of Public Lands; Amendment	1004-AB54
1473	Public Availability of Minerals Resources Information	1004-AB55
1474	Contract Extension (Timber Sales)	1004-AB56
1475	Classifications	1004-AB57
1476	Village Selections	1004-AB58
1477	Cave Management	1004-AB59
1478	Oil and Gas Leasing	1004-AB65
1479	Sales of Forest Products	1004-AB66
1480	National Conservation Areas; Law Enforcement—Criminal	1004-AB67
1481	Law Enforcement—Criminal	1004-AB68
1482	Management of Designated Wilderness Area	1004-AB69
1483	Availability of Public Records	1004-AB70
1484	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No 1 - Approval of Operations on Onshore Federal and Indian Oil and Gas Leases	1004-AB72
1485	Onshore Oil and Gas Unit Agreements—Unproven Areas	1004-AB73
1486	Drainage, Drilling, and Producing Obligations	1004-AB74
1487	Conveyance of Reserved Mineral Interests	1004-AB75
1488	Mineral Materials Disposal	1004-AB76

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1489	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1490	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1491	Exchanges - General Procedures	1004-AB28
1492	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1493	Conduct of Sales (Timber)	1004-AB35
1494	Sales of Forest Products; Conduct of Sales	1004-AB39
1495	Sales of Forest Products; Award of Contract	1004-AB40
1496	Law Enforcement—Criminal (Forest Products)	1004-AB48
1497	Geothermal Resources Leasing	1004-AB53
1498	Protection Management and Control of Wild Free-Roaming Horses and Burros; Private Maintenance; Supporting Information and Certification for More Than Four Horses or Burros	1004-AB63

DOI

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1499	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1500	Mining Claims Under the General Mining Law—Nature and Classes of Mining Claims Assessment Work	1004-AB43
1501	Fees, Rents, and Royalties	1004-AB45
1502	Award of Contract; Sales Administration	1004-AB49
1503	Leases, Permits and Easements	1004-AB64

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1243. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory. 42 USC 9651(c)(3) requires biennial review and revision, as appropriate, of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Final rules for the assessment of damages were promulgated by the Department consistent with those requirements. In a review of those rules, the U.S. Circuit Court of Appeals for the District of Columbia held that restoration or replacement costs are the basic measure of natural resource damages under CERCLA, and all reliably calculated lost use values of injured natural resources should also be recoverable, with no required hierarchy of methodologies for conducting those valuations. The Department is beginning the revision of the rules to conform with the court ruling. The biennial review of the type B rule will await this revision.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1801 C Street, NW., Washington, DC 20240, **202 343-3891**

RIN: 1090–AA22

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1244. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 18th & C Streets, NW., Washington, DC 20240, **202 343-3433**

RIN: 1090–AA14

1245. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None
42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c) (2) (A) calls for the promulgation of simplified assessment procedures. The Department has begun the development of a type A procedure for use in the Great Lakes environment. After a review of the natural resource damage assessment rule, the U.S. Circuit Court of Appeals for the District of Columbia remanded certain parts of that rule to the Department for revision. The court upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise its development of a type A procedure for Great Lakes environments to comply with the court's ruling.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39016
ANPRM Comment Period End	10/23/89	54 FR 39016
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, MIB, 1801 C Street, NW., Washington, DC 20240, **202 343-3891**

RIN: 1090–AA21

1246. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A)) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). The U.S. Circuit Court of Appeals for the District of Columbia upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise the type A procedure for coastal and marine environments to comply with the court's ruling and will incorporate changes in response to the first biennial review of the type A procedure at the same time.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39015
ANPRM Comment Period End	10/23/89	54 FR 39015
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1801 C St., NW., Washington, DC 20240, **202 343-3891**

RIN: 1090–AA23

1247. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section 12.110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 18th and C Streets, NW., Washington, DC 20240, **202 343-8668**

RIN: 1090–AA24

1248. ● DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION; PATENT RIGHTS UNDER GOVERNMENT CONTRACTS AND SUBCONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL OR RESEARCH WORK

Legal Authority: 35 USC 18

CFR Citation: 48 CFR 1400; 48 CFR 1427; 48 CFR 1452

Legal Deadline: None

Abstract: PL 98-620 amended 35 USC 18 dealing with patent rights in inventions made with Federal funding. On June 12, 1989, Federal Acquisition Regulation implementation of PL 98-620 was issued through FAC 84-48. Patent rights under Government contracts are covered in FAR Subpart 27.3. FAR 27.304-5(b) requires agencies to establish and publish their respective appeals, administrative due process, and fact-finding procedures related to patent rights. The proposed DIAR coverage establishes Department of the Interior policy with regard to title rights, exception determinations, appeals, greater rights determinations, retention of rights by inventors, assignment of rights, exercise of march-in rights and licensing to third parties. It also identifies key Departmental points of contact in matters concerning patent rights. The proposed coverage supplements FAC 84-48 and amends sections 14227 and 1452, as parts of 48 CFR, Chapter 14.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

DOI—ASPMB **Proposed Rule Stage**

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Department of the Interior, Office of Acquisition and Property, Management, Washington, DC 20240, 202 343-3433

RIN: 1090–AA27

DEPARTMENT OF THE INTERIOR (DOI) — Final Rule Stage
Assistant Secretary for Policy, Management and Budget (ASPMB)

1249. ● DEPARTMENT OF THE INTERIOR, NEW RESTRICTIONS ON LOBBYING

Legal Authority: PL 101-121, Sec 319; 31 USC 1352; 5 USC 301

CFR Citation: 43 CFR 18

Legal Deadline: None

Abstract: This interim final rule will prohibit recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Department of the Interior, Office of Acquisition and Property, Management, Washington, DC 20240, 202 343-3433

RIN: 1090–AA26

DEPARTMENT OF THE INTERIOR (DOI) — Completed Actions
Assistant Secretary for Policy, Management and Budget (ASPMB)

1250. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48301
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 18th & C Streets, NW., Washington, DC 20240, 202 343-3433

RIN: 1090–AA13

1251. DEPARTMENT OF THE INTERIOR PROCUREMENT ETHICS REGULATION

Legal Authority: 5 USC 301; EO 11222; 43 CFR 20.735

CFR Citation: 48 CFR 1401; 48 CFR 1403; 48 CFR 1415; 48 CFR 1453

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes to provide implementing regulations in the Department of the Interior Acquisition Regulation for EO 11222 and the procurement integrity provisions of the Office of Federal Procurement Policy Act Amendments of 1988 (PL 100-679), which govern ethics/procurement integrity conduct of Government employees.

Timetable:

Action	Date	FR Cite
NPRM	09/14/89	54 FR 37959
Reproposal	09/14/89	54 FR 37959
NPRM Comment Period End	10/16/89	54 FR 37959
Suspended - See Additional Information.	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

PL 101-194 suspended the Procurement Integrity provisions in Section 27 of the Office of Federal Procurement Policy Act Amendments of 1988 from 12/01/89 through 11/30/90. The Department's implementing regulation proposed on September 14, 1989, will also be suspended until further Congressional action is taken.

Agency Contact: Dean A. Titcomb, Chief, Division of Acquisition and Assistance, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 18th and C Streets, NW., Washington, DC 20240, 202 343-3433

RIN: 1090–AA15

DOI—ASPMB

Completed Actions

1252. CERTIFICATION OF NON-DELINQUENCY BY APPLICANTS FOR FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 31 USC 3511; 31 USC 3512; 31 USC 3302; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes a regulation requiring the use of an application form which includes a question to be answered "yes" or "no" regarding whether the applicant is delinquent on any Federal debt. The Department has withdrawn the notice of proposed rulemaking published on May 11, 1988, because subsequent guidance from the Office of Management and Budget conflicted with the proposed rule.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 18th & C Sts., NW., Washington, DC 20240, 202 343-8668

RIN: 1090–AA25

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Solicitor (OSOL)

Proposed Rule Stage

1253. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	07/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW., Washington, DC 20240, 202 343-5216

RIN: 1092–AA00

1254. ● TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); 33 USC 1321(p)(1),(2)

CFR Citation: 43 CFR 29.3(b)(1)

Legal Deadline: None

Abstract: The amendment to 43 CFR 29.3(b)(1) would provide that at least one of the Secretary of the Interior's appointees to the TAPS Fund's Board of Trustees would be employed by the Department of the Interior. It would provide further that the appointee(s) would participate in activities of the Board of Trustees, but would not vote. The appointee(s) would not have a vote because of the possibility that a vote could be inconsistent with the interests of the United States.The amendment would recognize that the Secretary's Federal employee appointee(s) are required to represent the interests of the United States in their Board of Trustees activities. The Assistant Secretary-Policy, Budget and Administration, who is the current Federal employee member, has found himself in situations where the Board is voting on matters on which the United States has not developed a policy, and has abstained. There has also been at least one situation where the interests of the United States and the TAPS Fund were in opposition. The amendment therefore makes it clear that the interests of the United States are paramount for the Federal employee appointee(s) and that they will not have a vote.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	
NPRM Comment Period End	06/01/90	
Final Action	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Department of the Interior, Office of the Solicitor, 18th and C Streets NW., Washington, DC 20240, 202 343-5216

RIN: 1092–AA08

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Solicitor (OSOL)

Completed Actions

1255. ● STATEMENT OF POLICY CONCERNING INDEMNIFICATION OF DEPARTMENT OF THE INTERIOR EMPLOYEES

Legal Authority: 28 USC 2671 to 2680; 5 USC 301

CFR Citation: 43 CFR 22

Legal Deadline: None

Abstract: This regulation permits the Department of the Interior to indemnify an employee who suffers an adverse judgment, verdict or monetary award on account of actions taken within the scope of the employee's duties.

Timetable:

Action	Date	FR Cite
Final Action	02/09/90	55 FR 4609
Final Action Effective	03/12/90	55 FR 4609

Small Entities Affected: None

DOI—OSOL

Completed Actions

Government Levels Affected: Federal

Agency Contact: Richard Robbins, Assistant Solicitor, Department of the Interior, Office of the Solicitor, Office of the Solicitor, 18th and C Streets, NW., Washington, DC 20240, 202 343-4338

RIN: 1092–AA07

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1256. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17, Subpart D

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI).

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW., Washington, DC 20240, 202 343-3455

RIN: 1091–AA02

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

1257. FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES OF THE DEPARTMENT OF THE INTERIOR, NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 794, The Rehab. Act of 1973, Sec 504, as amended; EO 12250; 42 USC 4151 to 4157, The Architectural Barriers Act of 1986

CFR Citation: 43 CFR 17, Subpart B

Legal Deadline: None

Abstract: This rulemaking will amend the regulation issued by DOI at 43 CFR 17, Subpart B, for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). The regulatory amendment is intended to encourage DOI's recipients to follow UFAS for new construction and alteration projects. No alternative exists to issuing this regulation. This amendment was found to be appropriate and necessary, and is being issued by DOI pursuant to directions received from the Civil Rights Division of the Department of Justice under the authority of Executive Order 12250. It has been determined that this rule is nonmajor and that it has no major cost effect. This amendment will promote governmentwide consistency and minimize public confusion by referencing new architectural standards that are presently in use by the Department of Justice and fourteen other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18554
NPRM Comment Period End	06/30/89	54 FR 18554
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW., Washington, DC 20240, 202 343-3455

RIN: 1091–AA03

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1258. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hy Hunsaker, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA25

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1259. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293; 5 USC 301

CFR Citation: 43 CFR 4.1360 to 4.1369; 43 CFR 4.1370 to 4.1379; 43 CFR 4.1380 to 4.1388

Legal Deadline: None

Abstract: The procedures for administrative review of Office of Surface Mining Reclamation and Enforcement decisions on (1) applications for new permits, (2) applications for permit revisions, permit renewals, and the transfer, assignment, or sale of rights granted under permit, (3) permit revisions ordered by the Office, and (4) applications for coal exploration permits vary. The Office of Hearings and Appeals proposes to remove the rules containing procedures for administrative review for (2), (3), and (4) (43 CFR 4.1370-4.1379 and 4.1380-4.1388) and to revise the rules in 43 CFR 4.1360-4.1369 so they will include review of decisions presently provided for in 43 CFR 4.1370-4.1379 and 4.1380-4.1388. The Office also proposes to amend 43 CFR 4.1351 and 4.1391(b) to provide for notice of OSMRE's decisions by certified mail or by overnight delivery service rather than by publication in a local newspaper. The proposed amendments will unify administrative review procedures and make them more expedited.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9852
NPRM Comment Period End	08/23/89	54 FR 30766
Final Action	04/10/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA37

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Prerule Stage

1260. CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: This rule will be revised to relieve certain restrictions on the public that have been determined to be outmoded, burdensome and counterproductive.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB10

1261. ● FEDERAL MIGRATORY BIRD HUNTING AND CONSERVATION STAMP LICENSING PROCEDURES AND GUIDELINES

Legal Authority: 16 USC 718

CFR Citation: 50 CFR 91

Legal Deadline: None

Abstract: The Service intends to develop rules governing the licensing of the Federal Migratory Bird Hunting and Conservation Stamp design, commonly referred to as the Federal Duck Stamp, for reproduction on appropriate products manufactured and offered for sale by private enterprises and organizations.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Norma Opgrand, Chief, Federal Duck Stamp Program, Department of the Interior, United States Fish and Wildlife Service, MS -

DOI—FWS **Prerule Stage**

2058 MIB, 18th and C Streets, NW., Washington, DC 20240, **202 343-4354**

RIN: 1018–AB40

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1262. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the current hunting season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/90	
NPRM	06/00/90	
Final Action	09/00/90	
1989-90 frameworks for early seasons		
ANPRM 03/27/89 (54 FR 12534)		
NPRM 07/13/89 (54 FR 29640)		
Final Action 08/11/89 (54 FR 32975)		
1989-90 frameworks for early/late seasons		
NPRM 06/06/89 (54 FR 24920)		
1989-90 frameworks for late seasons		
NPRM 08/16/89 (54 FR 33721)		
Final Action 09/19/89 (54 FR 38614)		

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Agency Contact: **Thomas Dwyer**, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, **703 358-1714**

RIN: 1018–AA24

1263. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to public access use and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: **Robert Karges**, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AA36

1264. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None

Abstract: The Service will review annually and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	12/00/90	
1989-90 hunting season		
NPRM 11/03/89 (54 FR 46427)		
Final Action 03/01/90 (55 FR 7334)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: October 1983

Agency Contact: **Robert Karges**, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS-670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AA50

1265. REFUGE-SPECIFIC HUNTING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	09/00/90	

1989-90 hunting season
NPRM 07/28/89 (54 FR 31348)
Final Action 11/07/89 (54 FR 46730)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Robert Karges, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018–AA71

1266. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	
1989-90 nontoxic shot zones		
Final Action 04/13/89 (54 FR 14814)		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas Dwyer, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018–AA93

1267. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Agency Priority

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Appeals Court recently ruled that the Migratory Bird Treaty does not permit subsistence hunting.

Agency Contact: David L. Olsen, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, MS - 3252 MIB, 18th and C Streets, NW., Washington, DC 20240, 202 343-5333

RIN: 1018–AB03

1268. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460ss

CFR Citation: 50 CFR 72

Legal Deadline: None

Abstract: This rule implements the Klamath River Basin Fishery Resources Restoration Act. These include establishment of qualifications for volunteers, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 202 343-6394

RIN: 1018–AB11

1269. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/89	54 FR 33947
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph J Webster, Chief, Division of Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, 703 358-1715

RIN: 1018–AB13

1270. ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669 to 669i; 16 USC 777 to 777k

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 80 to eliminate any requirements for grants and cooperative agreements to State and local units of Government (43 CFR 12) and to update programmatic requirements for the Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Columbus Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, **703 358-2156**

RIN: 1018–AB15

1271. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS AMENDMENTS

Legal Authority: PL 97-79 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifted the authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. A final rule promulgating this authority in 50 CFR 14, was published on November 10, 1987 (52 FR 43274). The Service proposes to amend the regulations for the purpose of incorporating improvements and clarifications.

Timetable:

Action	Date	FR Cite
ANPRM	08/10/88	53 FR 30077
ANPRM Comment Period End	09/09/88	53 FR 30077
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	04/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB22

1272. NATIONAL WILDLIFE REFUGES: ADDING TO AREAS OPEN TO HUNTING AND FISHING

Legal Authority: 5 USC 301; 16 USC 460K; 16 USC 664; 16 USC 668dd; 16 USC 715i

CFR Citation: 50 CFR 32; 50 CFR 33

Legal Deadline: None

Abstract: National Wildlife Refuges are generally closed to hunting or fishing until specifically opened by rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Opened 3 refuges to hunting and 1 to sport fishing	05/12/89	54 FR 20623
Final Action	08/31/89	54 FR 36032
NPRM	05/00/90	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, **703 358-1744**

RIN: 1018–AB25

1273. HIGHLY TRADED APPENDIX II SPECIES

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in listed plants and animals. The Service, as management and scientific authorities, must make appropriate determinations concerning Appendix II listed species prior to granting export approval to these listed species. Notice in the Federal Register is required by United States law in the determination process.

Timetable:

Action	Date	FR Cite
NPRM Export of American alligators harvested in 1989-1991	02/28/89	54 FR 83651
Final Action	08/14/89	54 FR 33231
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB30

1274. INJURIOUS WILDLIFE: BROWN TREE SNAKES

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations will be developed proposing to add brown tree snakes (Boiga irregularis) to the list of injurious wildlife. The Lacey Act (18 USC 42) prohibits importation and introduction into the natural ecosystem of the United States any species which may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John L. Bardwell, Acting Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AB33

1275. AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend regulations to reflect the 1988 amendments to the Marine Mammal Protection Act pertaining to permits.

DOI—FWS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 430 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB34

1276. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULE ALLOWING REGULATED TAKING OF THE UTAH PRAIRIE DOG

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Services proposes to amend the special regulation allowing a maximum of 5,000 nuisance Utah prairie dog (Cynomys parvidens) to be taken annually between June 1 and December 31 in parts of the Cedar and Parowan Valleys in Utah under permits issued by the Utah Division of Wildlife Resources. The amended regulation would expand the area of take to include all private land throughout the range of the Utah prairie dog. Also, the quarterly reporting requirement would be replaced by a requirement to make the State's records on permitted take available to the Service, on request.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB39

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Final Rule Stage

1277. MARINE MAMMALS: NATIVE EXEMPTIONS

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 18 implementing the Marine Mammal Protection Act of 1972 (the Act), 16 USC 1361-1407. The proposed rule would prohibit the taking of sea otters by Alaskan Natives for use in creating and selling authentic Native articles of handicrafts and clothing under the Native Exemptions section of the Act, 16 USC 1371(b).

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45788
NPRM Comment Period End	11/30/89	54 FR 23233
Final Action	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: On February 15, 1989 (54 FR 6940), the Service extended the comment period on the proposed rule to April 13, 1989. On May 31, 1989 (54 FR 23233), the Service gave notice that the comment period was further extended through November 30, 1989, to allow time for public meetings to be conducted in selected coastal Alaska locations within the range of the sea otter, and at one location in California.

Agency Contact: John L. Bardwell, Acting Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AA20

1278. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00

Inyo brown towhee (listing)
NPRM 11/23/84 (49 FR 46174)

Inyo brown towhee(listing)
Final Action 08/03/87 (52 FR 28717)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AA85

1279. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Agency Priority

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be

developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The protocol has been reviewed by Canadian officials and they wish to reopen negotiations. This will delay indefinitely final action on development of an international agreement.

Agency Contact: David L. Olsen, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 202 343-5333

RIN: 1018–AA92

1280. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00
Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AA95

1281. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 101(a)(4); 16 USC 109(h)

CFR Citation: 50 CFR 18.22; 50 CFR 18.24

Legal Deadline: None

Abstract: The Service will develop. regulations to implement provisions contained in the 1981 and 1988 amendments to the Marine Mammal Protection Act that amend Section 109(h) of the Act to: (1) allow the taking of marine mammals by Federal, in addition to the State, or local, government officials under certain conditions; and (2) allow importation of marine mammals into the United States in order to render medical treatment that is not otherwise available.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12043
NPRM Comment Period End	07/28/88	53 FR 24330
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The proposed rulemaking published April 12, 1988 (53 FR 12043) addressed two issues: (1) the provisions of Section 101(a)(4) of the Marine Mammal Protection Act (Act), as amended in 1981 authorizing incidental take of non-depleted marine mammals during commercial fishing operations; and (2) the taking of marine mammals by Federal, State, or local government officials under certain conditions. The 1988 amendments to the Act created an interim 5-year incidental take exemption for the commercial fisheries, thus essentially negating the 1981 amendments to Sec. 101 of the Act. Development of regulations for commercial fisheries is not necessary, and will not be done at this time.

Agency Contact: John L. Bardwell, Acting Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, 703 358-1718

RIN: 1018–AA96

1282. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 08/21/85 (50 FR 33803)
Final Action 00/00/00
Leopard, goral, serow in Nepal
NPRM-Notice status review 06/14/85 (50 FR 24917)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AA98

1283. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 00/00/00

Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 08/24/89 (54 FR 35305)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB02

1284. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32143
NPRM Comment Period End	10/26/87	52 FR 32143
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington DC 20240, 703 358-2171

RIN: 1018–AB09

1285. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Gila trout
NPRM 10/06/87 (52 FR 37424)
NPRM - Reopen comment period 06/26/89 (54 FR 26811)
Final Action 00/00/00

Independence Valley Speckled & Clover Valley dace
NPRM 09/18/87 (53 FR 35282)
NPRM -Reopen Comment period 10/31/88 (53 FR 38309)
Final Action 10/10/89 (54 FR 41448)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB14

1286. MARINE MAMMALS: CHANGE DEFINITION OF U.S. CITIZEN

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 18.27; 50 CFR 228

Legal Deadline: None

Abstract: Under existing regulations implementing the Marine Mammal Protection Act (MMPA), corporations organized under U.S. law but not controlled by individuals who are U.S. citizens, cannot be issued Letters of Authorization to undertake activities pursuant to any specific regulations authorizing an incidental take of marine mammals. This rule will amend the definition of U.S. citizen in the current regulations to allow corporations subject to U.S. jurisdiction to participate under the MMPA.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33949
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John L. Bardwell, Acting Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, 703 358-1718

RIN: 1018–AB16

1287. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Autumn buttercup
NPRM 07/22/88 (53 FR 27724)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB18

1288. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULES FOR MAMMALS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.40

Legal Deadline: None

Abstract: This amendment brings the endangered species regulations into compliance with control procedures for African elephant ivory trade.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19416
NPRM Comment Period End	07/05/89	54 FR 19416
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 202401, **703 358-1949**

RIN: 1018–AB19

1289. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based soley on the biological information available to the Department.

Timetable:

Chimpanzee and pygmy chimpanzee
NPRM 02/24/89 (54 FR 8152)
Final Action 03/12/90 (55 FR 9129)

Cracking pearly mussel
NPRM 02/17/89 (54 FR 7225)
Final Action 09/28/89 (54 FR 39850)

Eastern/Western Prairie fringed orchid
NPRM 10/11/88 (53 FR 39621)
Final Action 09/28/89 (54 FR 39857)

Michaux's sumac
NPRM 01/06/89 (54 FR 441)
Final Action 09/28/89 (54 FR 39853)

Mt. Graham red squirrel, critical habitat
Final Action 01/05/90 (55 FR 425)

Purple-spined hedgehog cactus
NPRM 01/19/89 (54 FR 2173)
Final Action 00/00/00

Rydberg milk vetch
NPRM 10/11/88 (53 FR 39626)
Final Action 09/14/89 (54 FR 37941)

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB23

1290. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATED PORTS FOR PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 24; 7 CFR 300 to 399; 50 CFR 17.12; 50 CFR 23.23

Legal Deadline: None

Abstract: The Service proposes to amend regulations by adding an additional port to the list of those designated for listed plants.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	10/06/89	54 FR 41295
NPRM	12/05/89	54 FR 41295
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, **703 358-2093**

RIN: 1018–AB28

1291. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: REVISION OF SPECIAL REGULATIONS FOR THE GRIZZLY BEAR

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to revise the special regulations for the threatened grizzly bear to allow supervised hunting of dangerous or incorrigible nuisance bears in a defined area encompassing the Idaho, Montana, and Wyoming portions of the Yellowstone ecosystem outside Yellowstone and Grand Teton National Parks.

DOI—FWS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42524
NPRM Comment Period End	12/18/89	54 FR 42524
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB29

1292. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Aleutian Canada goose, delisting
NPRM 09/29/89 (54 FR 40142)
Final Action 09/00/90
Arkansas fatmucket
NPRM 07/27/89 (54 FR 31212)
Final Action 07/00/90
Bakersfield cactus
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
Bartram's ixia
NPRM 05/19/89 (54 FR 21635)
Final Action 05/00/90
California jewelflower
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
California orcutt grass
NPRM 00/00/00
Final Action 00/00/00
Cheat Mountain salamander
NPRM 09/27/88 (53 FR 37814)
Final Action 08/18/89 (54 FR 34464)
Cobana negra
NPRM 05/12/89 (54 FR 20616)
Final Action 05/00/90
Dwarf wedge mussel
NPRM 04/17/89 (54 FR 15236)
Final Action 04/00/90
Fanshell mussel
NPRM 10/02/89 (54 FR 40450)
Final Action 10/00/90
Hoover's wooly star
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
Isodendrio Hosakae St. John (Aupaka)
NPRM 10/10/89 (54 FR 41470)
Final Action 10/00/90
Kern mallow
NPRM 07/27/90 (54 FR 31201)
Final Action 07/00/90
Lower Keys rabbit
NPRM 08/30/89 (54 FR 35905)
Final Action 08/00/90
Neosho madtom
NPRM 05/19/89 (54 FR 21632)
Final Action 05/00/90
Northeastern beach tiger beetle
NPRM 10/02/89 (54 FR 40458)
Final Action 10/00/90
Pallid sturgeon
NPRM 08/30/89 (54 FR 35901)
Final Action 08/00/90
Palma de manaca
NPRM 02/07/89 (54 FR 5983)
Final Action 00/00/00
Palo de Rosa
NPRM 07/27/89 (54 FR 31216)
Final Action 07/00/90
Price's potato bean
NPRM 05/12/89 (54 FR 20619)
Final Action 01/05/90 (55 FR 429)
Puritan tiger beetle
NPRM 10/02/89 (54 FR 40458)
Final Action 10/00/90
Purple cat's paw pearly mussel
NPRM 07/27/89 (54 FR 31209)
Final Action 07/00/90
Pygmy sculpin
NPRM 02/07/89 (54 FR 5986)
Final Action 09/28/89 (54 FR 39846)
Queen Alexandra's bird wing butterfly
NPRM 03/01/89 (54 FR 8574)
Final Action 09/21/89 (54 FR 38950)
Ring pink mussel (formerly Golf stick pearly mussel)
NPRM 01/06/89 (54 FR 554)
Final Action 09/29/89 (54 FR 40109)
Roan Mountain bluet
NPRM 00/00/00
Final Action 00/00/00
San Joaquin wooly-threads
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
Shenandoah salamander
NPRM 09/28/88 (53 FR 37814)
Final Action 08/18/89 (54 FR 34464)
Spreading avens
NPRM 00/00/00
Final Action 00/00/00
Squirrel chimney cave shrimp
NPRM 08/30/89 (54 FR 35905)
Final Action 08/00/90
Virginia spiraea
NPRM - Reopen comment period 12/22/89 (54 FR 52834)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB31

1293. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; NORTHERN SPOTTED OWL

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for 6 months) on a proposed listing no later than 6 months after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, the northern spotted owl, and if prudent, identify critical habitat. Such action will be taken upon determination that the species is endangered, threatened, or neither, and will be based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
NPRM	06/23/89	54 FR 26666
NPRM Comment Period End	12/20/89	54 FR 26666
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **705 358-2171**

RIN: 1018–AB32

1294. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: The Service proposes to list the desert tortoise (Gopherus agassizii) population north and west of the Colorado River as endangered. A fatal disease, currently referred to as Desert Tortoise Respiratory Disease Syndrome, has been identified and has caused significant declines to certain tortoise populations and threatens epidemic conditions to populations already stressed as a result of habitat degradation, predation, and other factors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/89	54 FR 32326
NPRM	10/13/89	54 FR 42270
NPRM Comment Period End	01/11/90	54 FR 42270
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The Service exercised its emergency authority to determine the Mojave population of the desert tortoise to be an endangered species pursuant to the Endangered Species Act of 1973, as amended. An emergency situation, in the form of a recently documented outbreak of a virulent desert tortoise upper respiratory disease syndrome (Respiratory Disease Syndrome), has been identified and has caused significant declines to certain tortoise subpopulations and threatens to become pandemic in subpopulations already stressed as a result degradation, predation, and other factors.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB35

1295. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and, where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Brazilian sideneck turtle
NPRM 00/00/00
Final Action 00/00/00

Cat Island turtle
NPRM 00/00/00
Final Action 00/00/00

Cheer pheasant
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Garrett's mint, technical amendment to list
Final Action 09/21/89 (54 FR 38946)

Higo chumbo
NPRM 10/18/89 (54 FR 42813)
Final Action 10/00/90

Inagua Island turtle
NPRM 00/00/00
Final Action 00/00/00

Inflated heelsplitter
NPRM 10/27/89 (54 FR 43835)
Final Action 10/00/90

Kral's water-plantain
NPRM 10/18/89 (54 FR 42816)
Final Action 10/00/90

Madagascar red owl
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Maria Island ground lizard
NPRM 00/00/00
Final Action 00/00/00

Maria Island snake
NPRM 00/00/00
Final Action 00/00/00

Michigan monkey flower
NPRM 10/02/89 (54 FR 40454)
Final Action 10/00/90

Norfolk Island parakeet
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Northern bald ibis
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Red-tailed parrot
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Remya kauaiensis
NPRM 10/02/89 (54 FR 40447)
Final Action 10/00/90

Remya mauiensis
NPRM 10/02/89 (54 FR 40447)
Final Action 10/00/90

Remya montgomeryi
NPRM 10/02/89 (54 FR 40447)
Final Action 10/00/90

South American red-lined turtle
NPRM 00/00/00
Final Action 00/00/00

White-necked crow
NPRM 12/27/89 (54 FR 53132)
Final Action 12/00/90

White-winged guan
NPRM 01/16/90 (55 FR 1488)
Final Action 01/00/91

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB36

1296. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological

information available to the Department.

Timetable:

Barneby ridge-cress
NPRM 11/24/89 (54 FR 48781)
Final Action 11/00/90
Caecidotea near tridentata
NPRM 00/00/00
Final Action 00/00/00
Cahana shiner
NPRM 03/19/90 (55 FR 10083)
Final Action 03/00/91
Clanton's cave amphipod
NPRM 00/00/00
Final Action 00/00/00
Crangonyx sp.
NPRM 00/00/00
Final Action 00/00/00
Dudley bluffs bladderpod & twinpod
NPRM 01/24/89 (54 FR 3499)
Final Action 02/06/90 (55 FR 4152)
Dusky seaside sparrow
NPRM - delisting 00/00/00
Final Action 00/00/00
Florida saltmarsh vole
NPRM 00/00/00
Final Action 00/00/00
Genetian pinkroot
NPRM 00/00/00
Final Action 00/00/00
Guizhou snub nosed monkey
NPRM 01/16/90 (55 FR 1486)
Final Action 01/00/91
Gulf sturgeon
NPRM 00/00/00
Final Action 00/00/00
Leafy prairie clover
NPRM 03/27/90 (55 FR 11230)
Final Action 00/00/00
Little Aguja Creek pondweed
NPRM 03/15/90 (55 FR 9741)
Final Action 03/00/91
Lyrate bladder-pod
NPRM 00/00/00
Final Action 00/00/00
Prairie mole cricket
NPRM 00/00/00
Final Action 00/00/00
Sichuan snub nosed monkey
NPRM 01/16/90 (55 FR 1486)
Final Action 01/00/91
Terlingua Creek cat's-eye
NPRM 00/00/00
Final Action 00/00/00
Tonkin snub nosed monkey
NPRM 01/16/90 (55 FR 1486)
Final Action 01/00/91
Walker's manioc
NPRM 00/00/00
Final Action 00/00/00
Yunnan snub nosed monkey
NPRM 01/16/90 (55 FR 1486)
Final Action 01/16/90

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB38

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1297. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be clarified and revised to incorporate recommendations of the Parties through the 5th Conference of the Parties (Buenos Aires, 1985).

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36827
Final Action	02/20/90	55 FR 5847

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018–AA29

1298. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Final Action	11/27/89	54 FR 45341
Final Action Effective	11/27/89	54 FR 45341

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018–AA79

1299. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Action	Date	FR Cite
Withdrawn	07/27/87	52 FR 28026

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
FINAL ACTION - Withdrawn 07/27/87 (52 FR 28026)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: October 1984.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AA84

1300. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and deregulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	12/28/87	52 FR 48948
NPRM Comment Period End	02/26/88	52 FR 48948
Final Action	09/14/89	54 FR 38152
Final Action Effective	10/14/89	54 FR 38152

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington DC 20240, **703 358-1949**

RIN: 1018–AB01

1301. MARINE MAMMALS: TAKE OF SMALL NUMBERS INCIDENTAL TO SPECIFIED ACTIVITIES

Legal Authority: 16 USC 1371(a)(5); 16 USC 1536(b)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 402.14(i)

Legal Deadline: None

Abstract: This rule implements 1986 amendments to the Marine Mammal Protection Act and the Endangered Species Act to allow the incidental take of depleted as well as non-depleted marine mammals, modify standards for determining whether to allow incidental taking, and require that the incidental take of endangered or threatened marine mammals not be authorized until authorized under the provisions of the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 6473
NPRM Comment Period End	07/05/88	53 FR 17964
Final Action	09/29/89	54 FR 40338
Final Action Effective	10/30/89	54 FR 40338

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John L. Bardwell, Acting Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AB05

1302. DESIGNATED PORT STATUS FOR PORTLAND, OREGON

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 14 to designate Portland, Oregon as an official Customs port-of-entry for wildlife and wildlife products as required by Section 9(f) of the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11975
NPRM Comment Period End	04/24/89	
Final Action	03/15/90	55 FR 9730

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 20240, **703 358-1949**

RIN: 1018–AB21

1303. DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF GUAM RAILS ON ROTA IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce captive-bred Guam rails (Rallus owstoni) onto the island of Rota in the Commonwealth of the Northern Mariana Islands over a 5-year period. The Rota population will be designated a nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973, as amended. The species is currently protected at 13 different captive propagation facilities and nonessential status would provide the flexibility in managing the Rota population.

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	54 FR 25744
NPRM Comment Period End	07/19/89	54 FR 25744
Final Action	10/30/89	54 FR 43966
Final Action Effective	10/30/89	54 FR 43966

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB26

1304. MIGRATORY BIRD PERMITS

Legal Authority: 16 USC 712

CFR Citation: 50 CFR 21

Legal Deadline: None

Abstract: The Service will modify two existing depredation orders (50 CFR 21.43 and 21.44) to prohibit killing of the

tricolored blackbird throughout its range and seven species of western meadowlarks, American, Lesser and Lawrence's goldfinches, acorn woodpeckers, Lewis' woodpeckers, and northern flickers. This action is necessary because these species are no longer serious agricultural pests, and some have been declining in numbers such that their continued existence may be in jeopardy without additional protection.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	54 FR 32634
Final Action	11/15/89	54 FR 47524
Final Action Effective	11/15/89	54 FR 47524

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Thomas Dwyer, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018–AB37

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

National Park Service (NPS)

1305. APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.82

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alford J. Banta, Superintendent, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, 715 779-3397

RIN: 1024–AB80

1306. YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert D. Barbee, Superintendent, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, 307 344-7381

RIN: 1024–AB82

1307. ● NATIONAL CAPITAL REGION PARKS

Legal Authority: 16 USC 1, 3, 9a, 462(k); DC Code 8-137, 40-721

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: Regulations governing special events and First Amendment demonstrations in the National Capital Region are being reviewed and updated in order to better manage these events with less impact on park resources. Regulations on sales, storage of property, leafletting, East Executive Park and structures in the parks are also being updated in order to protect park resources.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra A. Alley, Associate Regional Director, Public Affairs, Department of the Interior, National Park Service, 1100 Ohio Drive, SW., Washington, DC 20242, 202 485-9660

RIN: 1024–AB91

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Proposed Rule Stage

1308. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT; DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Douglas Scovill, Acting Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AA49

1309. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off-road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW., Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA89

1310. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW., Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA94

1311. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024–AB07

1312. MINERALS MANAGEMENT - NON-FEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; PL 100-301, Sec 8; 31 USC 9701

CFR Citation: 36 CFR 9, Subpart B

Legal Deadline: Final, Statutory, January 29, 1989.
Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development by 1/29/89.

Abstract: Several sections of 36 CFR Part 9, Subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 35% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to propose revisions to the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; and removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol McCoy, Chief, Policy & Regulations Section, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW.,

Washington, DC 20013-7127, 202 523-6707

RIN: 1024–AB39

1313. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, 919 473-2111

RIN: 1024–AB54

1314. MINERALS MANAGEMENT: NONFEDERAL MINERALS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9, Subpart C

Legal Deadline: None

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. The Service presently regulates only nonfederal oil and gas activities occurring in those units. Mineral activities, other than those associated with nonfederal oil and gas, are occurring in approximately 13 units of the System. There are also 7 additional units in which nonfederal mineral development is currently proposed or has recently been proposed. The Service is charged by Congress to ensure that the development of nonfederal mineral rights within park boundaries is consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards governing nonfederal mineral development, other than nonfederal oil and gas, in a manner that protects affected park units.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
Determination of effects	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Kliwinski, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L Street, NW., Washington, DC 20013-7127, 202 523-6707

RIN: 1024–AB75

1315. SEQUOIA AND KINGS CANYON NATIONAL PARKS: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.8

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Parks' fishing regulation. The changes would simplify existing fishing regulation, maintain the existing variety of recreational fishing opportunities, help restore the natural distribution and abundance of native species, help retard expansion of introduced species, and open most streams to fishing which are currently closed. Anglers would have to be able to identify fish they kept, and in some areas they would be required to use single barbless hooks.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Werner, Fish and Wildlife Biologist, Department of the Interior, National Park Service, Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271, 209 565-3341

RIN: 1024–AB76

1316. OZARK NATIONAL SCENIC RIVERWAYS: POWER BOAT OPERATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.83

Legal Deadline: None

Abstract: This proposed rulemaking will amend the current regulation by adding a section which will designate zones of motorboat operation and place horsepower limitations on motorboats. This addition is necessary in order to resolve user conflicts, protect the quality of the river and the recreational experiences, as well as address visitor safety concerns. The effects will be to increase safety, reduce conflicts, and provide maximum recreational benefits to all river users.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-4206

RIN: 1024–AB85

1317. VOYAGEURS NATIONAL PARK: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.33

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Voyageurs National Park. The general regulation, 36 CFR 2.18(c), prohibits such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this special regulation is to remove that prohibition for the routes and frozen water surfaces identified by this regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOI—NPS

Proposed Rule Stage

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-4206

RIN: 1024–AB86

1318. RECREATION FEES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 71

Legal Deadline: None

Abstract: This revision is necessary to incorporate recent legislation effecting recreation fees in the National Park System.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
Final Action	12/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB87

1319. VOYAGEURS NATIONAL PARK: DESIGNATION OF AIRCRAFT LANDING AREAS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.33

Legal Deadline: None

Abstract: This proposed rule designates locations where the use of aircraft will be allowed and permitted. The general regulation, 36 CFR 2.17(a)(1), prohibits such use other than at locations designated pursuant to special regulations. The intended effect of this special regulation is to remove that prohibition at designated locations within Voyageurs National Park, allowing and permitting sea planes and ski-equipped planes on specified lake surfaces.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-4206

RIN: 1024–AB88

1320. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: determinations of eligibility under the Abandoned Shipwreck Act; procedures for processing nominations from the former Trust Territories of the Pacific Islands; and procedures for appealing determinations of eligibility made by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carol D. Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-9536

RIN: 1024–AB89

1321. LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES; POST-COMPLETION COMPLIANCE

Legal Authority: PL 88-578

CFR Citation: 36 CFR 59

Legal Deadline: None

Abstract: This revision to 36 CFR Part 59 is to clarify that land acquired with Land and Water Conservation Fund assistance and later converted to other than public outdoor recreation may not be replaced with land currently owned by the project sponsor.

Timetable:

Action	Date	FR Cite
NPRM	06/15/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sam L. Hall, Chief, Recreation Grants Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-3700

RIN: 1024–AB90

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Final Rule Stage

1322. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
NPRM	05/10/88	53 FR 16561
NPRM Comment Period End	07/11/88	53 FR 16561
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW., Atlanta, GA 30303, 404 242-4916

RIN: 1024–AA07

DOI—NPS

Final Rule Stage

1323. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	10/02/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA44

1324. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	05/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA46

1325. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: PL 100-555; PL 100-588

CFR Citation: 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

Legal Deadline: None

Abstract: Amendments to the Archaeological Resources Protection Act of 1979 (PL 96-95) made by Congress in 1988 require amendments to the uniform regulations. Some of the amendments require changes in existing regulatory language, and some amendments add new responsibilities which may require additional regulatory guidance. Alternatives being considered are based upon the extent to which existing agency cultural resources management manuals address the new statutory responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2848
NPRM Comment Period End	02/28/90	55 FR 2848
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Waldbauer, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4113**

RIN: 1024–AA51

1326. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, Gates of the Arctic National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboat and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension End	08/06/83	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-2664**

RIN: 1024–AA71

1327. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

DOI—NPS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37586
NPRM Comment Period End	11/06/87	52 FR 37586
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-1178**

RIN: 1024–AA80

1328. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW., Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA96

1329. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW., Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AB10

1330. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; (c) guidelines for access to, loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	08/28/87	52 FR 32740
NPRM Comment Period End	10/27/87	52 FR 32740
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michelle C. Aubry, Archeological Program Specialist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024–AB13

1331. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024–AB33

1332. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

DOI—NPS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, OH 44141, 216 526-5256

RIN: 1024–AB44

1333. CANYON DE CHELLY NATIONAL MONUMENT

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB47

1334. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable State law.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
NPRM Comment Period End	03/10/88	53 FR 3759
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB61

1335. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, 406 666-2412

RIN: 1024–AB63

1336. HISTORIC PRESERVATION CERTIFICATIONS PURSUANT TO SECTION 48(G) AND SECTION 170(H) OF THE INTERNAL REVENUE CODE OF 1986

Legal Authority: 16 USC 470(a)(1)(A); 26 USC 48 (g); 26 USC 170(h)

CFR Citation: 36 CFR 67, (Revised)

Legal Deadline: None

Abstract: This proposed rule restates and makes amendments to the procedures by which owners desiring tax benefits for rehabilitation of historic buildings apply for certifications pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986. These tax laws require certifications from the Secretary of the Interior in order for taxpayers to receive tax benefits.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18292
NPRM Comment Period End	07/22/88	53 FR 18292
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Ward Jandl, Chief, Technical Preservation Services Branch, Department of the Interior, National Park Service, P O Box 37127, Washington, DC 20013-7127, 202 343-9588

RIN: 1024–AB73

1337. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq Mining in the Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None

Abstract: The existing regulations at 36 CFR Part 9, Subpart A, promulgated in January of 1977, contain a provision regarding the use of water in connection with mining claims within National Park System units that creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service (NPS) would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19411
NPRM Comment Period End	07/05/89	54 FR 19411
Final Action	05/00/90	

DOI—NPS

Final Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rick Ernenwein, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, Mining and Minerals Branch, P.O. 25287, Denver, Colorado 80225-0287, **303 969-2090**

RIN: 1024–AB74

1338. ALASKA REGION: SAME-DAY-AIRBORNE HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.21

Legal Deadline: None

Abstract: The National Park Service is proposing rules what will prohibit the hunting of certain wildlife species in the National Preserve areas in Alaska on the same day in which a hunter is airborne. Hunting will continue to be allowed pursuant to State and Federal regulations. Access to those areas by aircraft for sport hunting and other purposes is also allowed. While the State of Alaska has a similar regulation in place, commonly referred to as the "same-day-airborne" regulation, recent changes to their regulation have allowed exceptions for some species in certain State of Alaska game management units including the National Preserve areas. This exception will allow "land-and-shoot" hunting of wolves in the National Preserves. The proposed National Park Service regulation will prohibit "land-and-shoot" hunting for big game including the following species: All species of Bears, Bison, Caribou, Elk, Mountain Goat, Moose, Musk Oxen, Dall Sheep, Wolf, Wolverine, Coyote, Arctic and Red Fox, and Lynx.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24852
NPRM Comment Period End	08/08/89	54 FR 24852
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steve Shackelton, Law Enforcement Specialist, Department of the Interior, National Park Service, 2525 Gambell St., Rm. 107, Anchorage, AK 99503-2892, **907 257-2548**

RIN: 1024–AB81

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

1339. CAPE COD NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.67

Legal Deadline: None

Abstract: The Department proposes to modify the vehicle routes and travel restrictions at Cape Cod National Seashore established by the existing Cape Cod Off-Road Vehicle Regulations, which were adopted on September 3, 1985, by opening additional beach areas to off-road vehicle use and to allow use of some of the beaches at night only by off-road vehicles.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 429
NPRM Comment Period End	02/21/89	54 FR 429
Withdrawn	11/03/89	54 FR 46422

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $35,000; Base Year for Dollar Estimates: 1989

Agency Contact: Anthony Bonanno, Chief Ranger, Department of the Interior, National Park Service, Cape Cod National Seashore, South Wellfleet, MA 02663, **508 349-3785**

RIN: 1024–AA91

1340. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	11/28/89	54 FR 48868
Final Action Effective	12/28/89	54 FR 48868

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024–AB19

1341. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	11/28/89	54 FR 48868
Final Action Effective	12/28/89	54 FR 48868

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800

State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB28

1342. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB48

1343. HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, 808 967-7311

RIN: 1024–AB66

1344. ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32924
NPRM Comment Period End	09/28/88	
Final Action	10/20/89	54 FR 43060
Final Action Effective	11/20/89	54 FR 43060

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, 303 586-2371

RIN: 1024–AB67

1345. GLEN CANYON NATIONAL RECREATION AREA: COMMERCIAL OPERATIONS AND WHITEWATER BOATING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.70

Legal Deadline: None

Abstract: The Service proposes to amend special regulations that apply to Glen Canyon National Recreation Area by clarifying provisions that pertain to commercial operations and deleting duplicative provisions that pertain to Colorado River Whitewater boat trips.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Lancaster, Superintendent, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, Box 1507, Page, AZ 86040, 602 645-2471

RIN: 1024–AB72

1346. YOSEMITE NATIONAL PARK; WAWONA ZONING REGULATIONS

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 61

CFR Citation: 36 CFR Not yet determined

Legal Deadline: None

Abstract: The proposed rulemaking will provide for land use controls on privately owned lands in Wawona, Yosemite National Park, CA. The rulemaking will allow residential development to occur without threat of condemnation if the development is compatible with Federal and private interests, and if it meets the specific zoning requirements.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Billie Hair, Acting Superintendent, Department of the Interior, National Park Service, Yosemite National Park, P.O. Box 1024, Yosemite, CA 95389, 209 375-6391

RIN: 1024–AB77

1347. INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 31

Legal Deadline: None

Abstract: The National Park Service is proposing to revoke Part 31 because the Act which authorized the Secretary of Interior to promulgate minimum zoning standards 80 Stat. 1309, was repealed by Section 1 (9) of 90 Stat. 1309, on October 18, 1976.

The purpose of the regulatory action is to revoke and to eliminate the zoning

standards which no longer have any purpose or authority.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB79

1348. VEHICLES AND TRAFFIC SAFETY: MANDATORY SEATBELT REGULATION

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 4.15

Legal Deadline: NPRM, Statutory, October 31, 1988.

Abstract: This rulemaking would establish an NPS mandatory seatbelt regulation to apply in park areas that are located within States that do not have a seatbelt law in effect. This regulation would affect 100 park areas in 18 States. The regulation would apply to all of a vehicle's front seat occupants except those that are occupying a seat that was not originally equipped by the manufacturer with a seatbelt and those with a medical condition that prevents restraint by a seatbelt.

The National Park Service is required to issue the proposed rule by a provision in the Department's 1989 FY Appropriations Act.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51526
NPRM Comment Period End	02/21/89	
Final Action	12/13/89	54 FR 51197
Final Action Effective	01/12/90	54 FR 51197

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB83

1349. LAKE MEAD NATIONAL RECREATION AREA: GLASS BEVERAGE CONTAINERS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48

Legal Deadline: None

Abstract: The purpose of the proposed regulation is to prohibit the possession of glass beverage containers within the Recreation Area except at authorized locations. Broken glass has become a major safety as well as litter problem in the developed areas, beaches, and back country campsites. Implementing this regulation will reduce both the safety and litter problems at the Recreation Area.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken at this time.	02/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-4206

RIN: 1024–AB84

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1350. ADMINISTRATION OF A PROGRAM OF EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 28

Legal Deadline: None

Abstract: The purpose of the rule is to combine the rules described in 25 CFR Part 26, Employment Assistance for Adult Indians, and 25 CFR Part 27, Vocational Training for Adult Indians, into a new 25 CFR Part 28. The application and selection process, financial assistance, program services, and employment as the objective are common to both Parts 26 and 27. Another purpose is to establish uniform procedures for administration of the employment assistance for adult Indians program and include requirements to improve the administrative efficiency of the program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deane Poleahla, Actg. Division Chief, Job Placement and Training, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW., Washington, DC 20240, 202 343-3570

RIN: 1076–AA04

1351. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Reproposal	09/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Originally scheduled: January 1980.

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, DC 20240, **202 343-4871**

RIN: 1076–AA10

1352. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary, Education, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, **202 343-4871**

RIN: 1076–AA11

1353. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	52 FR 49172
NPRM Comment Period End	02/29/88	52 FR 49172
Reproposal	07/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C Street, NW., Washington, DC 20240, **202 343-4871**

RIN: 1076–AA15

1354. LEASING AND PERMITTING

Significance: Agency Priority

Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: The Bureau proposes to reorganize Part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR Part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Pennington, Natural Resources Officer, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 58101, **406 657-6145**

RIN: 1076–AA29

1355. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing revising 25 CFR Part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations, to assure funds are apportioned from the Highway Trust Fund (HTF) for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW., Washington, DC 20240, **202 343-4359**

RIN: 1076–AB05

1356. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to ensure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3837

RIN: 1076–AB41

1357. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George Gover, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, P.O. Box 1067, Albuquerque, NM 87103, 505 474-3875

RIN: 1076–AB91

1358. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Lorentino, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-5786

RIN: 1076–AB98

1359. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The revision is needed to specifically define the Bureau's role in the provision of institutional and in-home care to Indian adults who are mentally or physically handicapped or otherwise disabled. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance was transferred to general assistance by revision of 25 CFR Part 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
Distribute draft rule to all Area Offices for review	04/30/89	
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jimmie Clemens, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-6434

RIN: 1076–AB99

1360. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: This rulemaking action is being taken to further define various programmatic responsibilities of the Child Welfare Assistance and Child and Family Service Program under this part.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jimmie Clemens, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-6434

RIN: 1076–AC13

1361. CERTIFICATES OF DEGREE OF INDIAN BLOOD

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 70

Legal Deadline: None

Abstract: This rulemaking action is to add a new Part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is

intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	
Final Action	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW., Washington, DC 20240, **202 343-1702**

RIN: 1076–AC19

1362. REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: 93 Stat. 638; 100 Stat. 202; 100 Stat. 446; 100 Stat. 472; 100 Stat. 581

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

Abstract: The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. Due to the broad scope of the review, an estimate of the potential cost and potential benefit is premature. The changes are one of process rather than increases or decreases in budget or program funding. The major potential cost is to the Federal Government in order to meet the insurance requirement of the law. The amount is undetermined to date.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	12/00/90	
Final Action Effective	06/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Jim Thomas, Indian Self Determination Analyst, Department of the Interior, Bureau of Indian Affairs, Room 4641-MIB, 18th & C Streets, NW., Washington, DC 20240, **202 343-4982**

RIN: 1076–AC20

1363. PREPARATION OF A ROLL OF THE COQUILLE INDIAN TRIBE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 101-42

CFR Citation: 25 CFR 61

Legal Deadline: Other, Statutory, June 28, 1990.
The Act requires that the Roll be prepared by June 28, 1990. Therefore, the final rule must be published in advance of that date.

Abstract: The Bureau of Indian Affairs is proposing to amend part 61 to establish procedures to govern the preparation, certification, and approval of a roll of the Coquille Indian Tribe. The Coquille Restoration Act of June 28, 1989, Pub. L. 101-42, 103 Stat. 91, directs the Secretary of the Interior to prepare within one year a membership roll of the Coquille Indian Tribe. The roll will be used to identify persons who meet the statutory requirements for membership in the Coquille Indian Tribe.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	
NPRM Comment Period End	05/01/90	
Final Action	08/01/90	
Final Action Effective	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4627, 1849 C Street, NW., Washington, DC 20240, **202 343-1702**

RIN: 1076–AC21

1364. HOUSING IMPROVEMENT PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 256

Legal Deadline: None

Abstract: Congressional direction contained in the FY 1984 Department of the Interior and Related Agencies Appropriation Conference Report directed the Bureau to develop a program which is more cost effective and better meets identified needs. In response to this directive, the Bureau developed a new system to achieve the results intended. The redirected Housing Improvement Program is being promulgated as proposed regulations in conformity with Section 552 and 553 of Title 5, United States Code, as required by the Indian Self-Determination and Education Assistance Act Amendments of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: A. Ronald Thurman, Acting Chief, Division of Housing, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-8427**

RIN: 1076–AC22

1365. ● INDIAN ELECTRIC POWER UTILITIES

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 175; 25 CFR 176; 25 CFR 177

Legal Deadline: None

Abstract: This proposed rule consolidates and revises former CFR parts 175, 176, and 177 to promote consistent and effective administration of utilities and to provide for public hearing and review of the rate setting process in a timely manner. Indian electric power utilities are required to maintain budgets that do not reflect deficiencies due to operating, maintenance, and replacement costs. The former rules normally require one to two years to implement rate adjustments, and the resulting delays have caused revenue shortages. The revised rules will enable power rate adjustments to be made in a timely manner by the Area Director after public notice, comment, and hearing period. The rule revision also allows for appeals to be heard by the Interior Board of Indian Appeals. Under the revised rule all rate adjustments are made after a public notice, comment, and hearing period. Rate adjustments are predominately the result of the cost of labor, materials, equipment, power, and services. Increases or decreases in the cost of electric service will affect all customers served by the utility.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	04/00/90	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mort Dreamer, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-5696**

RIN: 1076–AC24

1366. ● MINIMUM STANDARDS FOR AND APPLICATION AND APPROVAL PROCEDURES FOR BIA EARLY CHILDHOOD DEVELOPMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 3385; 25 USC 2003

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: Publication of this proposed rule is necessary so that tribes, tribal organizations, and consortia of tribes who have combined memberships of 500 members or more may provide the necessary services to parents and children under six years old whose needs are not being met by existing programs. National studies show that for every dollar spent on early childhood development programs there is a return of six dollars. The benefits include increasing the literacy rate, the graduation rate, and the rate of enrollment in higher education. High quality early childhood programs can also decrease the rate of cognitive learning and emotional handicaps; teenage pregnancy; welfare dependency and the incidence of arrest and juvenile delinquency.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	10/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Mehojah, Chief, Branch of Elementary and Secondary, Education, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, Dc 20240, **202 343-1190**

RIN: 1076–AC25

1367. ● BOND GUARANTY

Significance: Regulatory Program

Legal Authority: 25 USC 1498

CFR Citation: 25 CFR 103; 25 CFR 104

Legal Deadline: None

Abstract: The BIA has no existing rules to support program changes as specified in the 1988 amendments to the Indian Financing Act of 1974 (25 USC 1498). Requirements for eligibility and procedures for participating in these new programs must be announced to the public. To enable public participation in these new programs the BIA must inform the public of provisions for new guaranty authority contained in the 1988 Amendments. The Congressional Budget Office has estimated that guaranteeing bonds issued to finance economic development projects will result in an annual federal outlay of $5 million to $10 million over the first five years of the program. The estimate was based on bond guarantees of $30 million to $50 million per year. The positive effect of these rules will be that bond proceeds from private investors will finance businesses which will produce goods. The negative effect will be about $5.10 million in Federal outlays annually due to losses on defaulted bonds.

Timetable:

Action	Date	FR Cite
NPRM	04/14/90	
NPRM Comment Period End	05/14/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard K. Nephew, Chief, Diovision of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-3657**

RIN: 1076–AC26

1368. ● SUPPLEMENTAL SURETY BOND GUARANTY

Significance: Regulatory Program

Legal Authority: 25 USC 1498

CFR Citation: 25 CFR 103; 25 CFR 105

Legal Deadline: None

Abstract: To enable full public participation in the new programs established by the 1988 amendments to the Indian Financing Act of 1974 (25 USC 1498), requirements for eligibility and procedures for participation in these programs must be announced. The supplemental surety bond guaranty program will enable Indian contractors who obtain surety bond guarantees from the Small Business Administration to obtain a supplemental guarantee to cover bids on and performance of contracts that could not be obtained without such guarantees. The annual cost to the federal government will be about $0.5 million on $50 million in surety bond guarantees.

Timetable:

Action	Date	FR Cite
NPRM	04/14/90	
NPRM Comment Period End	05/14/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard K. Nephew, Chief, Division of Financial Assistance

Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3657

RIN: 1076–AC27

1369. ● LEASING OF OSAGE RESERVATION LANDS FOR MINING FOR MINERALS OTHER THAN OIL AND GAS

Legal Authority: 34 Stat. 543 Sec. 3; Act of June 28, 1906, Ch. 3572, Sec. 3; 34 Stat. 539; 34 Stat. 543

CFR Citation: 25 CFR 214

Legal Deadline: None

Abstract: The BIA is proposing to revise the regulations at 25 CFR 214 governing management of non-oil and gas minerals on Osage Reservation Lands in Oklahoma. The proposed revisions eliminate specific royalties for minerals not found within the Osage Mineral estate and give authority to the Osage Tribal Council, with the approval of the Superintendent of the Osage Agency, to to set applicable royalty rates. This revision also replaces outmoded methods of exchange with modern methods, and correctly designates those officials responsible for the management of non-oil and gas minerals within the Osage Mineral estate. The proposed revisions are intended to enhance the management ability of the Department over the production of these minerals, and to eliminate various inaccuracies in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	07/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Shoemate, Superintendent, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Bureau of Indian Affairs, Pawhuska, OK 74056, 918 287-2481

RIN: 1076–AC28

1370. ● LEAD AND ZINC MINING OPERATIONS, QUAPAW AGENCY

Legal Authority: 41 Stat. 1225; 41 Stat. 1248; 50 Stat. 68

CFR Citation: 25 CFR 215

Legal Deadline: None

Abstract: BIA proposes to amend 25 CFR 215 to update the operations and procedures for leasing, discovery, testing, processing, developing, mining and processing lead and zinc minerals on lands under the jurisdiction of the Bureau's Miami Agency in Ottawa County, Oklahoma. Current regulations governing such leases were developed over 30 years ago and no longer reflect current practices or standards in the mining industry. The proposed revisions will assist affected Indians with the efficient development of their lead and zinc deposits without waste, avoidable loss or damage to their natural resources, the environment, or other resources. The Bureau also proposes to retitle 25 CFR 215 as "Lead and Zinc Mining Operations and Leases, Miami Agency."

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	07/30/90	
Final Action	10/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kim Snyder, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3611

RIN: 1076–AC30

1371. ● SAFETY AND HEALTH INSPECTION PROGRAM

Legal Authority: 25 USC 2, 9, 13; 5 USC 7902; 7 USC 135 et seq; 21 USC 301 et seq; 23 USC 208; 33 USC 467 et seq; PL 89-665; PL 91-596; PL 92-157; PL 92-574; PL 93-638; PL 94-163; PL 94-469; PL 94-580; PL 95-190

CFR Citation: 25 CFR 50

Legal Deadline: None

Abstract: This proposed rule establishes a new part containing requirements for determining whether plant conditions at Bureau-funded schools are an immediate hazard to health and safety. The Bureau is required to develop rules for a safety and health inspection program by PL 100-297, which states that schools may be closed or consolidated, or programs substantially curtailed, for plant conditions constituting an immediate hazard to health or safety only if a Bureau health and safety officer determines that such conditions exist. There will be no effect on the economy or cost or price effects, since this rule is administrative in nature and outlines the responsibilities of the Division of Safety Management for conducting safety and health inspections.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Jaynes, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, P.O. Box 2186, Albuquerque, NM 87103, 505 474-2863

RIN: 1076–AC31

1372. ● INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 2010

CFR Citation: 25 CFR 39

Legal Deadline: None

Abstract: The Bureau is revising 25 CFR 39 to satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297), which requires development of standards and procedures for closing, consolidation, or substantial curtailment of Bureau schools. The Act requires the Secretary to establish a formula for costs associated with greater length of service by education officials and procurement without competitive bidding for goods and services worth up to $25,000. The Act also requires adjustment in the formula for students enrolled in the seventh and eighth grades, small schools, school board expenses, and gifted and talented students.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	08/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-3562**

RIN: 1076–AC33

1373. ● TRIBAL REORGANIZATION UNDER A FEDERAL STATUTE

Legal Authority: 5 USC 301; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503; PL 100-581

CFR Citation: 25 CFR 81

Legal Deadline: None

Abstract: These regulations establish uniform procedures for conducting Secretarial elections for voting on proposed constitutions when tribes wish to reorganize, adopt constitutional amendments, ratify and amend charters, or revoke existing constitutions. This proposed rule will revise the regulations to bring them into compliance with PL 100-581.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	07/30/90	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol Bacon, Acting Chief, Division of Tribal Government, Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-7446**

RIN: 1076–AC34

1374. ● PETITIONING AND OTHER PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503

CFR Citation: 25 CFR 82

Legal Deadline: None

Abstract: The rules in 25 CFR 82 provide uniformity and order in formulation and submission of petitions requesting the Secretary to call elections to amend tribal constitutions, to issue charters and for other actions where constitutions provide for petitioning to effect actions by the Secretary or the commissioner. This rulemaking action will amend the regulations to allow the spokesman for the petitioners to make technical changes to petitions in consultation with the Bureau and to change the petition format.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	
NPRM Comment Period End	07/31/90	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol Bacon, Acting Chief, Division of Tribal Government, Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-7446**

RIN: 1076–AC35

1375. ● LEASING OF CERTAIN LANDS ON THE WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: 43 USC 361

CFR Citation: 25 CFR 227

Legal Deadline: None

Abstract: The regulations at 24 CFR 227 are being revised to reflect organizational changes in the Bureaus of Indian Affairs and Land Management. The principal changes update the references to the Bureau of Land Management official assigned various responsibilities by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	
NPRM Comment Period End	10/30/90	
Final Action	12/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larry Moran, Area Realty Officer, Department of the Interior, Bureau of Indian Affairs, Division of Real Property Management, 316 North 26th Street, Billings, MT 59101, **406 657-6301**

RIN: 1076–AC36

1376. ● LOANS TO INDIANS FROM REVOLVING LOAN FUND

Significance: Regulatory Program

Legal Authority: 25 USC 1469

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: The Bureau will revise 25 CFR 101 to include the equity requirements and new default penalties imposed by the Office of Management and Budget. As a result of these changes, approximately 50 Indian businesses will receive loans. The revisions will not have more than $100 million effect on the economy.

Timetable:

Action	Date	FR Cite
NPRM	04/14/90	
NPRM Comment Period End	05/14/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-3657**

RIN: 1076–AC38

1377. ● LOAN GUARANTY, INSURANCE AND INTEREST SUBSIDY

Significance: Regulatory Program

Legal Authority: 25 USC 1490

CFR Citation: 25 CFR 103

Legal Deadline: None

Abstract: The Bureau will revise 25 CFR 103 to include the equity requirements imposed by the Office of Management and Budget for Federal loans and default penalties. As a result of these changes, approximately 50 Indian-owned businesses will receive loans. The revisions will not have more than $50 million effect on the economy.

DOI—BIA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/14/90	
NPRM Comment Period End	05/14/90	
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3657

RIN: 1076–AC39

1378. ● ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 111

Legal Deadline: None

Abstract: This proposed rule describes standards by which per capita payments out of tribal trust revenue may be made by either the Secretary of the Interior or by tribal governments. This revision is a result of the repeal of laws which restricted distributions made by Federal officials designated by the Secretary. The former laws were repealed because most Indian tribes now have the capability to manage their own receipts and disbursements. There will be no increase in costs or prices for consumers, regions, or governments as a result of this revision.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Davis, Research Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3730

RIN: 1076–AC40

1379. ● INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 1524

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This proposed revision is to revise section 286.17(b) of proposed rule 25 CFR 286, "Indian Business Development Program," which says that a grant may be made only to an applicant who is able to obtain at least 60 percent of the necessary financing from other sources. The Bureau of Indian Affairs (BIA) has required applicants to provide at least 75 percent of necessary financing since appropriations for IBDP (Indian Business Development Program) were reauthorized in 1984. From 1983 to 1985 the BIA administered a similar business development grant program called Special Grants for Economic Development (25 CFR 278) under authority of the Snyder Act. The IBDP supplants that program. Part 273 required 75 percent of project costs from non-Federal sources. Since 1983, we have been requiring 75 percent matching funds and this revision is to reflect this requirement. Since this policy has been in practice there will be no significant change as far as potential cost or benefit due to this revision.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Woody Sneed, Financial Analyst, Department of the Interior, Bureau of Indian Affairs, MS-4060 MLB, 1849 C Street, NW., Washington, DC 20240, 202 343-4706

RIN: 1076–AC42

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1360. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The present regulations contain a very incomplete criminal code that does not cover many areas of the law that are usually in the laws of the State where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. It is proposed to update the sections on criminal offenses, and essentially create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings. This will provide the Courts of Indian Offenses with more complete and up to date procedures and rules. Courts will have a six month period from the date of publication of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual case load for these courts or require additional staffing. Therefore, the initiation of these rules should not result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Code revisions by courts	04/01/89	
Final Action	06/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Maria Mendoza, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-1400

RIN: 1076–AA01

DOI—BIA

Final Rule Stage

1381. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 USC 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6822
NPRM Comment Period End	08/03/87	52 FR 6822
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and the Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3959

RIN: 1076–AA33

1382. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished as a proposed rule on 10/21/87 [52 FR 39332] to allow for additional public comment.

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 343-3837

RIN: 1076–AA38

1383. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of the public comments on the proposed rules for 25 CFR Parts 211 and 225, it has been determined that this part will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM for Removal	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished for proposed removal with the proposed rulemaking actions for 25 CFR Parts 211 and 225 on 10/21/87 (52 FR 39332).

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 343-3837

RIN: 1076–AA39

1384. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26800
NPRM Comment Period End	07/26/89	54 FR 26800
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Nephew, Actg. Chief, Div. of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, 1849 C Street NW., Washington, DC 20240, 202 343-3660

RIN: 1076–AA55

1385. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Kim Snyder, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-3837**

RIN: 1076–AA82

1386. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to 89.46

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allen Quetone, Staff Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-5831**

RIN: 1076–AB87

1387. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226

Legal Deadline: None

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38608
NPRM Comment Period End	11/16/87	52 FR 38608
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, **202 343-3837**

RIN: 1076–AC09

1388. PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 100-139

CFR Citation: 25 CFR 61

Legal Deadline: Final, Statutory, October 26, 1988.
One year from date of enactment for completion of the tribal membership roll.

Abstract: This rulemaking action is being taken to amend the regulations contained in 25 CFR Part 61. Part 61 contains general enrollment procedures which can be made specifically applicable in the preparation of a particular roll by the Secretary by amending section 61.4 to include the qualifications for enrollment for that particular roll. Under the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary has been directed to prepare certain rolls of Cow Creek Indians to be used in the implementation of the Act. The proposed amendment is, therefore, to make the procedures contained in Part 61 applicable to the preparation of the Cow Creek rolls by adding in section 61.4 the qualifications for enrollment for each of the rolls to be prepared.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20335
NPRM Comment Period End	07/05/88	53 FR 20335
Revised Proposed Rule Published	10/31/89	54 FR 45743
Second Comment Period End	11/30/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of

DOI—BIA

Final Rule Stage

Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-1702

RIN: 1076–AC11

1389. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to ll, Sec. 10

CFR Citation: 25 CFR 262

Legal Deadline: None

Abstract: The proposed rule will add a new part to Title 25 of the Code of Federal Regulations. The rule is in response to direction in the Archeological Protection Act of 1979. Key areas of the proposed rule will address the permit requirements specific to Indian Tribes and individuals, and the custody of archeological resources.

Timetable:

Action	Date	FR Cite
NPRM	01/23/90	
NPRM Comment Period End	02/23/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Sutherland, Archeologist, Office of Environmental Quality, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4544-MIB, 1849 C Street, NW., Washington, DC 20240, 202 343-2791

RIN: 1076–AC23

1390. ● CHARGES FOR GOODS AND SERVICES PROVIDED TO NON-FEDERAL USERS

Significance: Agency Priority

Legal Authority: 31 USC 9701 (b); 25 USC 2, 13, 413

CFR Citation: 25 CFR 143

Legal Deadline: None

Abstract: This interim rule will give the Bureau authority to bill and collect for services currently provided to non-Federal users. These rules must be promulgated before fees are charged by the Bureau for services and goods to non-Federal users under the Independent Offices Appropriations Act. Billing and collecting for the goods and services will not increase or decrease the current appropriated funding level. This rule is only to clarify the legality of the process that is already in effect. Since less than 90 locations will be affected, this rule will not have a significant effect on the national economy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joe Christie, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-5831

RIN: 1076–AC29

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Completed Actions

1391. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	06/30/88	53 FR 24738
NPRM Comment Period End	08/01/88	53 FR 24738
Withdrawn	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: Kim Romine, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-5125

RIN: 1076–AA56

1392. ● EDUCATION PERSONNEL

Legal Authority: 25 USC 2011

CFR Citation: 25 CFR 38

Legal Deadline: None

Abstract: The Bureau has published a final rule that amends existing rules that establish requirements for employment, discharge, voluntary services, and payment of teachers and other personnel in Bureau-operated schools and agency education positions. The rule establishes a basic compensation rate for teachers in accordance with the Hawkins-Stafford Elementary and School Improvement Amendments of 1988 (PL 100-297). This law requires the Department to adopt for teachers and counselors pay rates established in the Defense Department Overseas Teachers Pay and Personnel Practice Act.

Timetable:

Action	Date	FR Cite
Final Action	11/03/89	54 FR 46373
Final Action Effective	12/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry D. Holman, Department of the Interior, Bureau of Indian Affairs, Eastern Navajo Agency, P.O. Box 328, Crownpoint, NM 87313, 505 786-6152

RIN: 1076–AB02

1393. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None

Abstract: The Bureau of Indian Affairs intends to amend several sections of its

rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-3604

RIN: 1076–AB89

1394. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau operated schools.

Timetable:

Action	Date	FR Cite
Withdrawn	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C Street, NW., Washington, DC 20240, 202 343-4872

RIN: 1076–AC14

1395. SMALL ESTATES - OSAGE

Legal Authority: 92 Stat. 1660

CFR Citation: 25 CFR 18

Legal Deadline: None

Abstract: This rulemaking action would permit the Field Solicitor, Pawhuska, Oklahoma, to determine the heirs, devisees and/or legatees of estates under the jurisdiction of the Osage Agency, consisting of Osage headright interest, real estate on which restrictions against alienation have not been removed, and/or funds on deposit at the Osage Agency, all of which do not exceed a valuation of $10,000 on the date of death of a decedent, when requested in writing by one or more of the heirs, devisees and/or legatees; provided, that a court of competent jurisdiction has not proceeded to administer or probate the estate. The administration of such estates by the Field Solicitor would alleviate the necessity of the employment of an attorney by the beneficiaries, approval of the will pursuant to 25 CFR Part 17, and the filing of administration or probate proceedings in State Court. Because of the size of these estates, it is financially impractical for the beneficiaries to employ attorneys for that purpose.

Timetable:

Action	Date	FR Cite
Withdrawn	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 343-5473

RIN: 1076–AC18

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI) Prerule Stage

Minerals Management Service (MMS)

1396. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; RULES OF PARTICULAR APPLICATION

Legal Authority: 43 USC 1334(a)(8)

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Pursuant to the Outer Continental Shelf Lands Act (OCSLA), the Secretary of the Interior is required to regulate air emissions from OCS oil and gas operations when they significantly affect the air quality of a State. To this end, MMS is developing regulations (RIN 1010-AA61), which will establish general, more stringent air emissions standards for OCS operations off the coast of California. However, there are significant technical and climatic barriers to attainment of good air quality in the area. To develop more effective protection of each air basin in California, MMS proposes to develop a separate mitigation fee program (e.g., local offsets) for each basin to be administered locally, and governed by "rules of particular application" that would be developed through separate rulemakings subsequent to adoption of the general rule. Each rule of particular application would address the following aspects of the proposed mitigation programs: administration, setting of fees, responsibilities of various governmental entities, coordination with the State Implementation Plan, selection of projects to be funded, performance audits, and modification processes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and, Standards, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB48

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1397. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately $25M to the regulated industry; the net benefits have not been quantified but would be a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. However, the effort at a negotiated rulemaking was inconclusive. Therefore, DOI proposed a rule through the standard process. Subsequently, based on careful consideration of comments, DOI determined to repropose a more stringent rule.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Complete determination of effects of rules	05/18/88	
Reach agreement on a negotiated rule or begin development of rule through standard process	12/19/88	
NPRM	01/17/89	54 FR 1846
NPRM Comment Period End	02/16/89	
Repropose Rule	04/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William S. Cook**, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1610**

RIN: 1010–AA61

1398. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Significance: Regulatory Program

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 230

Legal Deadline: None

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Dennis C. Whitcomb**, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB11

1399. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1986, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 (1986)). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the types of sureties which would be acceptable to MMS, and related issues.

Timetable:

Action	Date	FR Cite
NPRM	02/23/90	55 FR 6401
NPRM Comment Period End	05/24/90	55 FR 12386
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Dennis C. Whitcomb**, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal

Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB13

1400. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB29

1401. AMENDMENTS TO 30 CFR 250.52 TO ADD REQUIREMENTS INTENDED TO PREVENT OCCURRENCE OF ACCIDENTAL FIRES CAUSED BY FALLING SLAG FROM WELDING OR BURNING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.52

Legal Deadline: None

Abstract: The Minerals Management Service proposes to amend 30 CFR 250.52 to add requirements designed to increase personnel safety and minimize property damage by avoiding or preventing the occurrence of accidental fires caused by hot slag from welding or burning activities falling into flammable material floating on the ocean surface beneath Outer Continental Shelf (OCS) facilities. The proposed amendment was prompted by the recommendations of an investigation of a January 6, 1984, accidental fire believed to have been caused by hot welding slag igniting a layer of hydrocarbons floating on the surface of the ocean water beneath an OCS facility. Three men died and nine were burned as a consequence of that fire. The alternative considered was to send lessees advisory notices alerting them of the potential danger of welding slag; however, the alternative was considered less effective because it lacked enforcement. The proposed amendment would not result in increases in cost to lessees or consumers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB31

1402. ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed $250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	55 FR 10630
NPRM Comment Period End	05/21/90	55 FR 10630
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB35

1403. REMOVAL OF FEDERAL FUNDING LIMITATION FROM STATE AND INDIAN COOPERATIVE AGREEMENTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30

USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 228

Legal Deadline: None

Abstract: The regulations at 30 CFR 228, implementing section 202 of the Federal Oil and Gas Royalty Management Act of 1982, 30 USC 1719, provide that the Federal share of funding of certain cooperative agreement activities with any State or Indian Tribe will be limited to not more than 50 percent of the cost of eligible activities as established under the terms of the cooperative agreement. However, Congress recently passed "The Indian Self-Determination and Education Assistance Act Amendment of 1988," October 5, 1988, PL 100-472, which included amendments to PL 93-638 to require all Bureaus within the Department of the Interior to enter into PL 93-638 contracts with Indian Tribes. Consequently, the cooperative agreements that MMS may enter into in the future with Indian Tribes will be considered PL 93-638 self-determination contracts. Because PL 93-638 entitles an Indian Tribe to Federal reimbursement of 100 percent of the costs of an approved self- determination contract, MMS is proposing to amend its regulations to remove the 50-percent Federal funding limitation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB36

1404. ● AMENDMENTS TO CLARIFY 30 CFR PART 250

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This rule proposes to amend the regulations governing offshore oil and gas operations to correct a number of errors and minor inconsistencies contained in the comprehensive revision of those regulations promulgated in 1988. The MMS proposes to correct these typographical errors and inconsistencies by revising text of the related sections in 30 CFR Part 250. Most of these revisions are minor and involve the clarification of sections by modifying, removing, or adding a word or phrase; however, two substantive revisions concerning crane operations and drainage protection are included. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program. This action is required to correct the errors referred to above; there are no alternatives.

Timetable:

Action	Date	FR Cite
NPRM	03/08/90	55 FR 8485
NPRM Comment Period End	05/07/90	55 FR 8485
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and, Standards, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB41

1405. ● AMENDMENT OF COAL VALUATION REGULATIONS TO REMOVE EXCLUSION OF TAXES AND FEES FROM VALUE OF FEDERAL COAL PRODUCTION

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: On January 13, 1989, MMS issued revised coal product valuation regulations in the Federal Register (54 FR 1492) establishing the value of coal production for royalty purposes from all Federal and Indian leases. The adopted regulations, effective March 1, 1989, resulted in considerable controversy on the part of States, Indians, and Congress relative to the exclusion of Federal Black Lung excise taxes, Abandoned Mine Land Fees, and State and local severance taxes from the value of coal production, for royalty computation purposes, on Federal leases. In view of the controversy, the Secretary of the Interior directed that a review and study of the issues be performed. As a result of that study, MMS is proposing to amend its coal regulations to remove the exclusion of the taxes and fees from the value of Federal coal production.

Timetable:

Action	Date	FR Cite
NPRM	02/13/90	55 FR 5024
NPRM Comment Period End	04/16/90	55 FR 5024
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB42

1406. ● ALLOWANCE FOR EXTRAORDINARY COSTS AND THRESHOLDS FOR TRANSPORTATION AND PROCESSING ALLOCATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Sections 206.104, 206.157, 206.158, and 206.159 of Minerals Management Service's Oil and Gas Valuation regulations, which were effective March 1, 1988, allow deductions for transportation and processing costs, limited to "reasonable actual costs," with an MMS approval threshold(s). Paragraph 206.158(d)(2) authorizes an additional allowance if the lessee incurs extraordinary costs for processing gas production and can demonstrate that the costs are "extraordinary, unusual, or

unconventional." Amendments are needed to MMS's regulations to establish the criteria that must be met before any extraordinary gas processing cost allowance would be granted and to revise the MMS approval thresholds for transportation and processing allowances, if needed, based on actual experience since the effective date of the regulations. Amendments may also be needed to establish criteria for any extraordinary cost allowances that may be granted for other minerals such as oil, coal, and geothermal.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB43

1407. ● AUDIT PROCEDURES AND PAYOR REQUIREMENTS AND RESPONSIBILITIES DURING AUDITS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 217

Legal Deadline: None

Abstract: The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) requires that the Secretary of the Interior establish a comprehensive inspection and auditing system to provide the capability to accurately determine royalties, interest, fines, penalties, fees, deposits, and other payments owed on Federal or Indian oil and gas leases. This responsibility has been delegated to MMS. However, performance of the required audits may be delegated to States or Indian tribes pursuant to sections 202 and 205 of FOGRMA or to independent certified public accountants under contract. The FOGRMA also requires the promulgation of regulations to establish audit standards and procedures, payor requirements and responsibilities, and authorities and responsibilities which may be delegated by MMS to a State, Indian tribe, or an independent certified public accountant. The purpose of this rulemaking action is to establish the regulations required by FOGRMA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB44

1408. ● RESPONSIBILITIES OF LESSEES, PAYORS AND ASSIGNEES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals, and related revenues from Federal and Indian mineral leases. These monies are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB45

1409. ● EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 220

Legal Deadline: None

Abstract: There is a conflict in MMS regulations at 30 CFR 220.030 with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) as to the time period that an offshore net profit share (NPSL) lessee must maintain records and all other documentation pertaining to the NPSL capital account. Therefore, MMS is proposing to amend 30 CFR 250.030 to extend the time period to 6 years, from 36 months, consistent with the statutory requirement of FOGRMA. The MMS is also proposing to remove 30 CFR 220.033 which includes language that conflicts with the recordkeeping requirements of FOGRMA and MMS regulations at 30 CFR 212.50 and 212.51.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB46

DOI—MMS

Proposed Rule Stage

1410. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended to update the American Petroleum Institute (API) and American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) quality assurance (QA) programs. The revision to the API QA program would update API Spec Q1 from the 1988 edition to the 1990 edition. The ASME/ANSI QA program would be updated to include Addendum D, issued in 1990.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and, Standards, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB47

1411. ● OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF; AMENDMENT TO SPECIFY DOCUMENTATION REQUIREMENTS FOR BLOWOUT PREVENTER TESTS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.57; 30 CFR 250.86; 30 CFR 250.106

Legal Deadline: None

Abstract: This rule would modify the regulations governing drilling, well-completion, and well-workover operations under an oil and gas lease in the Outer Continental Shelf to identify with greater specificity the information that must be recorded by the lessee to describe testing of the lessee's blowout preventer (BOP) and auxiliary equipment and to add a provision allowing MMS to request information concerning pressure conditions during testing of BOP's and auxiliary equipment. The change is necessary to allow MMS personnel to verify the adequacy of lessee-conducted tests that are needed to assure that BOP's and auxiliary well-control equipment, if needed, will operate effectively. This change will enable MMS personnel to better assess the effectiveness of a BOP system during their review of the documentation of the method and procedures used by a lessee to conduct BOP tests and the results obtained.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and, Standards, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB49

1412. ● AMENDMENTS TO 30 CFR 250.67 - HYDROGEN SULFIDE

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.67

Legal Deadline: None

Abstract: The rules for Hydrogen Sulfide are being amended to revise the requirements for visual and audible warning systems, personnel protection, hydrogen sulfide (H2S) and sulphur dioxide (SO2) detection and monitoring, and the criteria for the activation of visual and audible warning systems. These amendments are necessary to be consistent with the new personnel exposure limits for H2S and SO2 established by the Occupational Safety and Health Administration. Amending the rule would reduce personnel exposure limits, thereby decreasing the risks associated with hazardous environments. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.67.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and, Standards, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB50

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1413. REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on

the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50422
NPRM Comment Period End	02/03/89	54 FR 1398
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB17

1414. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS), SUBPART O, TRAINING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.210

Legal Deadline: None

Abstract: The rules at 30 CFR Part 250 which govern oil and gas and sulphur operations in the OCS will be revised to address in greater specificity training requirements for personnel engaged in oil, gas, and sulphur drilling, development, and production operations in the OCS. Training requirements were addressed in a proposed rule to consolidate into one document the rules governing oil and gas and sulphur operations in the OCS which was published on March 18, 1986 (51 FR 9316). The training provisions of that proposed rule have been revised, updated, and consolidated under a new Subpart O, Training. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	54 FR 31768
NPRM Comment Period End	10/02/89	54 FR 31768
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB21

1415. GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 354
NPRM Comment Period End	03/06/89	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB22

1416. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.250

Legal Deadline: None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36244
NPRM Comment Period End	10/30/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB23

1417. LIMITATION OF THE DIRECTOR'S AUTHORITY FOR DISCRETIONARY RELEASE OF POSTLEASE PROPRIETARY DATA AND INFORMATION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: Amendments to the regulations providing for the discretionary release of postlease proprietary data and information will be proposed. The amendments would limit the discretion of the MMS Director to release such data and information by defining more precisely the circumstances under which such releases may be authorized and to whom the data and information may be shown. The alternative to the proposed amendment is the case-by-case determination of whether to release such proprietary data and information based on the existing less specific discretionary authority of the Director. This alternative leaves some degree of uncertainty to the lessee concerning the circumstances under which releases will be authorized, and possible changes in policy.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11965
NPRM Comment Period End	04/24/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, MS-646, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010–AB30

1418. REVISION OF REGULATIONS GOVERNING INTEREST RATE APPLICABLE TO LATE PAYMENTS AND UNDERPAYMENTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 218.54, 218.55, and 218.103 govern the rate of interest to be charged on underpayments or late payments of royalty by lessees and other royalty payors, and the rate of interest to be paid on late disbursements of an Indian Tribe's or Allottee's royalty or a State's share of royalty revenues. These regulations reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate in each situation. However, section 6621 was amended by the Tax Reform Act of 1986 to provide for a different interest rate for overpayments and for underpayments. A rule amendment is required to clarify an ambiguity in the existing regulations, created by the amendment to section 6621, as to which of two different rates would apply.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 14364
NPRM Comment Period End	05/11/89	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB32

1419. CLARIFICATION OF DATES FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: This proposed rule is intended to remove apparent inconsistency in current regulations concerning the release of data and information submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms, but release dates for similar data and information on other forms are not mentioned in the regulations. The alternatives of providing guidance through an OCS Order and through a Notice to Lessees and Operators on a region-to-region basis does not ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the availability of data and information to the public on a uniform basis in all OCS Regions.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32316
NPRM Comment Period End	10/03/89	54 FR 32316

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB34

1420. SERVING OF OFFICIAL CORRESPONDENCE ISSUED BY THE ROYALTY MANAGEMENT PROGRAM

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31

DOI—MMS **Final Rule Stage**

USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS does not currently have regulations which delineate how service of official correspondence, including orders, decisions, demands for payment and notices of noncompliance issued by its Royalty Management Program is effectuated. In the absence of MMS regulations, the Interior Board of Land Appeals (IBLA) (IBLA-87-349) reversed a decision by the Director, MMS that an appeal had not been timely filed and therefore would not be considered. A rule is required that would: 1) establish an "address of record" to which official correspondence will be sent, and 2) define the "date of service" whether the document was physically or constructively delivered. The date of service established in accordance with this rule also would be the beginning date of the 30-day period in 30 CFR Part 290 for the filing of an appeal relative to an order or decision.

Timetable:

Action	Date	FR Cite
NPRM	01/03/90	55 FR 158
NPRM Comment Period End	03/05/90	55 FR 158
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB37

1421. AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

Legal Authority: 43 USC 1335

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over a decade ago and is seriously inadequate to protect the government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for government loss and a greater protection of the public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/24/90	55 FR 2388
NPRM Comment Period End	03/26/90	55 FR 2388
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB38

1422. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A" (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR Part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	55 FR 3232
NPRM Comment Period End	03/02/90	55 FR 3232
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB40

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1423. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended. The amendment would update the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) SPPE-1 standard from the 1985 edition to the 1988 edition and allow compliance with either the updated version of the ANSI/ASME SPPE-1 quality assurance (QA) program (1988 edition) or the proposed American Petroleum Institute (API) QA program (API Spec Q1 in combination with API Specs 14A and 14b). Other alternatives considered were not to amend the rule and to continue using ANSI/ASME SPPE-1 as the only type of certification for the QA program. The costs to lessees under the API program or the updated ANSI/ASME SPPE-1 program are not expected to be significantly different than the costs under the current program. If there is any cost difference, it is expected to be a reduction in cost since the use of the API program is an option to the use of the ANSI/ASME SPPE-1 program. Lessees would not be expected to choose the use of the more expensive of the approved QA programs.

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25349
NPRM Comment Period End	09/29/88	53 FR 30705
Reopen Comment Period	08/11/89	54 FR 33042
Comment Period End	09/15/89	
Final Action	03/22/90	55 FR 10614
Final Action Effective	04/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. L. Courtois, Chief, Offshore Inspection and Enforcement Division, Department of the Interior, Minerals Management Service, Mail Stop 647, 381 Elden Street, Herndon, VA 22070, 703 787-1576

RIN: 1010–AB19

1424. AMENDMENT OF DUAL ACCOUNTING REQUIREMENT IN GAS VALUATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations require that the value of certain processed gas that is not sold pursuant to an arm's-length contract shall be the greater of value determined by two different methods. The comparison of the two values is commonly referred to as "dual accounting." The dual accounting requirement results in the inconsistent valuation of gas depending on whether it is sold in an arm's-length or a non-arm's length situation. Regulation amendments are being developed which would eliminate the accounting for comparison requirement except where required by lease terms.

Timetable:

Action	Date	FR Cite
Withdrawn pending further decisions by management.	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB28

1425. APPEALS PROCEDURES

Legal Authority: 43 USC 1334; 30 USC 1751

CFR Citation: 30 CFR 290

Legal Deadline: None

Abstract: The final rule provides a grace period for filing of appeals of orders and decisions of Minerals Management Service officials. Existing rules required receipt of an appeal within 30 days of receipt of an order or decision. The final rule establishes a grace period whereby appeals are timely if received within 10 days after the end of the initial 30 days and there is evidence of transmittal within the 30 days. The rule allows more appeals to be considered and decided on their merits.

Timetable:

Action	Date	FR Cite
Final Action	12/22/89	54 FR 52796
Final Action Effective	01/22/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, Mail Stop 623, 381 Elden Street, Herndon, VA 22070, 703 787-1275

RIN: 1010–AB39

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSMRE)

Prerule Stage

1426. ● PERMANENT REGULATORY PROGRAM: TECHNICAL STANDARDS FOR BACKFILLING AND GRADING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 780; 30 CFR 784; 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: Technical Standards will provide a more uniform approach to the methods of backfilling and grading and will provide for greater stability and

DOI—OSMRE **Prerule Stage**

eliminate the settlement at the top of backfilled highwalls. Regulatory guidance will provide for consistent state application and reduce uncertainty.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	
ANPRM Comment Period End	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Raymund E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-7952

RIN: 1029–AB37

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1427. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 870.11

Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-5351

RIN: 1029–AB16

1428. ASSESSMENT CONFERENCE SCHEDULING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 723; 30 CFR 845

Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 723 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSM is undertaking this action in response to suggestions from OSM personnel involved in administering the existing 30 CFR parts 723 and 845.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-5954

RIN: 1029–AB22

1429. INTERIM PROGRAM REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 710; 30 CFR 715; 30 CFR 716; 30 CFR 717; 30 CFR 718; 30 CFR 720; 30 CFR 721; 30 CFR 722

Legal Deadline: None

Abstract: The rule would amend those portions of the OSMRE interim regulatory program regulations which are different from the permanent regulatory program. OSMRE is undertaking this action to provide equity and regulatory consistency between the programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Stephen M. Sheffield, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-5361

RIN: 1029–AB24

1430. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: In response to comments received concerning the rulemaking under RIN 1029-AB15, OSMRE will conduct a study of possible fees for permit revisions, renewals, and certain other permitting-related activities in the coming year and intends to propose further rulemaking where the results of that study indicate that such fees are justified and that fee collection would be administratively feasible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and

Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-5351

RIN: 1029–AB29

1431. ● BOND RELEASE CERTIFICATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800.40

Legal Deadline: None

Abstract: OSM will propose a rule that will require that an operator requesting the release of performance bonds certify that reclamation has been completed in accordance with the approved reclamation plan.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Mancino, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-1475

RIN: 1029–AB30

1432. ● INDIVIDUAL CIVIL PENALTIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 724; 30 CFR 846

Legal Deadline: NPRM, Judicial. NPRM due 270 days from effective date of settlement agreement in "Save Our Cumberland Mountains, Inc., et al, and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

Abstract: OSM will propose a rule to require that an individual civil penalty be proposed, and in accordance with existing regulations assessed against each officer, director, or agent of a corporate permittee, after the officer, director, or agent has been served with a notice of potential liability for an existing violation and has not demonstrated that he or she has taken all reasonable steps to bring about the abatement of the violation by the corporate permittee.

Timetable:

Action	Date	FR Cite
NPRM	10/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew F. DeVito, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-5954

RIN: 1029–AB31

1433. ● REQUIREMENTS FOR COAL EXPLORATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772

Legal Deadline: None

Abstract: OSM is proposing to amend 30 CFR Part 772 to ensure that exploration permits will not be issued to applicants with unresolved violations of SMCRA and other applicable laws or who possess a history of violations of SMCRA indicating an intent not to comply with the Act's provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-4560

RIN: 1029–AB32

1434. ● CESSATION OF OPERATIONS: TEMPORARY CESSATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: This rule will clarify that a permittee must obtain approval from the regulatory authority before ceasing coal mining operations on a permit that results in the delay of contemporaneous reclamation on areas which are incidental to, or necessary to facilitate, continued mining of the remaining coal reserves. The rule will state that an application to temporarily cease mining operations may be approved if the regulatory authority finds that recoverable coal reserves remain, that the bond is adequate, and that based on pre-approval inspection, the site is in compliance with all applicable requirements, including contemporaneous reclamation, drainage control, and structure certifications. The rule will specify that temporary cessation may be approved for a period not to exceed one year, after which time the permittee may file for subsequent one year renewals.

Timetable:

Action	Date	FR Cite
NPRM	09/11/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel E. Stocker, Inspection and Enforcement Program, Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-4550

RIN: 1029–AB33

1435. ● STANDARDS FOR REVIEW OF OWNERSHIP, CONTROL, AND VIOLATION INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773; 30 CFR 774; 30 CFR 843

Legal Deadline: NPRM, Judicial. NPRM due 180 days from effective date of settlement agreed to in "Save Our Cumberland Mountains, Inc., et al., and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

Abstract: The proposed rule will establish standards for review and rebuttal of presumptions regarding ownership and control relationships between permit applicants and violators as well as between permittees and violators. The rule will also specify requirements for verifying whether the ownership and control information specified on a permit application is complete, require use of OSM's applicant violator computer system and other available data by regulatory authorities when conducting violation

reviews and establish procedures for regulatory authorities to use in determining the status of outstanding violations. The rule will prescribe sanctions in cases where a permit applicant intentionally fails to provide complete or accurate ownership and control information. The rule will also require regulatory authorities to conduct an annual verification of certain ownership and control information for all permittees. In addition, the rule will specify measures for OSM to take should a state regulatory authority fail to implement these new requirements. Regulations which may be modified include 30 CFR 773, 774, and 843.

Timetable:

Action	Date	FR Cite
NPRM	07/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George M. Stone, Jr., Chief, Branch of Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-4550

RIN: 1029–AB34

1436. ● PERMANENT REGULATORY PROGRAM: MULTIPLE SEAM MINING MOUNTAINTOP REMOVAL

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 780; 30 CFR 785; 30 CFR 816; 30 CFR 817; 30 CFR 824

Legal Deadline: None

Abstract: The rule will address the problem of contemporaneous reclamation of multiple seam mining, mountaintop removal sites. In multiple seam mining, contemporaneous reclamation is often delayed because coal from the last permitted seam is not removed in a timely manner. Also, reclamation is not started in a timely manner on mountaintop removal operations. The rule will provide standards for contemporaneous reclamation at such sites.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1950 Constitution Avenue, NW., Washington, DC 20240, 202 343-1502

RIN: 1029–AB35

1437. ● PERMANENT REGULATORY PROGRAM: BEST TECHNOLOGY CURRENTLY AVAILABLE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The requirement that all runoff from mined areas must pass through a siltation structure was suspended in compliance with a court-ordered remand. The rule will remove or reinstate suspended requirements that relate to the best technology currently available or may consider other alternatives.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Douglas I. Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Research and Technical Standards Branch, 1951 Constitution Avenue, NW., Washington, Dc 20240, 202 343-1507

RIN: 1029–AB36

1438. ● PERMANENT REGULATORY PROGRAM: PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS; STATE PROGRAM AMENDMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 732.1

Legal Deadline: None

Abstract: The proposed rule would ensure that State programs for the regulation of surface coal mining and the surface effects of underground mining reflect Federal rule changes in a timely way following notice to the states of such Federal rule changes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen M. Sheffield, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-5950

RIN: 1029–AB38

1439. ● SURFACE COAL MINING AND RECLAMATION PERMITS; REQUIREMENTS FOR PERMITS AND PUBLIC PROCESSING; PUBLIC PARTICIPATION IN PERMIT PROCESSING AND REVIEW OF APPLICATIONS

Legal Authority: 30 USC 1201 et seq; 16 USC 470 et seq

CFR Citation: 30 CFR 773.13; 30 CFR 773.15

Legal Deadline: None

Abstract: The proposed rule would clarify the responsibility of the regulatory authority to withhold information on the nature and location of archaeological resources when otherwise revealing that information would create a risk of harm, theft, or destruction to the resources.

Timetable:

Action	Date	FR Cite
NPRM	08/13/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen M. Sheffield, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-5950

RIN: 1029–AB39

1440. ● PERMANENT REGULATORY PROGRAM; PERFORMANCE STANDARDS; PERMANENT AND TEMPORARY IMPOUNDMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.46; 30 CFR 816.49; 30 CFR 817.46; 30 CFR 817.49

DOI—OSMRE Proposed Rule Stage

Legal Deadline: None

Abstract: The proposed rule would clarify the design precipitation requirements for impoundments that rely primarily on storage to control stormwater runoff. It would also add a hazard consideration top the criteria for determining which design precipitation event is applicable in each case for spillway design.

Timetable:

Action	Date	FR Cite
NPRM	06/11/90	
NPRM Comment Period End	08/11/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen M. Sheffield, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-5950

RIN: 1029–AB40

1441. ● SERVICE OF DOCUMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 724; 30 CFR 843; 30 CFR 845; 30 CFR 846

Legal Deadline: None

Abstract: OSM intends to propose a rule revising the procedures governing the service of documents by allowing service by certified mail in those areas where the regulations do not already provide for such service. The proposed rule will also change certain terminology pertaining to the service of documents to make it consistent throughout the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew F. DeVito, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-5950

RIN: 1029–AB41

DEPARTMENT OF THE INTERIOR (DOI) Final Rule Stage
Office of Surface Mining Reclamation and Enforcement (OSMRE)

1442. RECLAMATION TECHNOLOGY RULE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.104; 30 CFR 816.105; 30 CFR 816.101

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, 202 343-1928

RIN: 1029–AA57

1443. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq; PL 100-34

CFR Citation: 30 CFR 740

Legal Deadline: None

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23388
NPRM Comment Period End	07/31/89	54 FR 23388
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-4560

RIN: 1029–AA76

1444. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845.15; 30 CFR 846.12

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with section 816.102(a) cannot be accomplished using best technology currently available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k).

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment Period End	01/07/88	52 FR 41666
Final Action	08/00/90	

Small Entities Affected: None

DOI—OSMRE **Final Rule Stage**

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, **202 343-7952**

RIN: 1029–AB10

1445. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would govern the collection by OSMRE of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for midterm review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSMRE for costs incurred in providing the services.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17568
NPRM Comment Period End	07/18/88	53 FR 17568
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Adell Merchant, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, **202 343-1864**

RIN: 1029–AB15

DEPARTMENT OF THE INTERIOR (DOI) — Completed Actions

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1446. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 702; 30 CFR 700; 30 CFR 750; 30 CFR 870

Legal Deadline: None

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20546
NPRM Comment Period End	08/10/87	52 FR 20546
Final Action	12/20/89	54 FR 52092
Final Action Effective	04/01/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, **202 343-1864**

RIN: 1029–AA53

1447. REPROCESSING COAL WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 786, (New); 30 CFR 829, (New); 30 CFR 701; 30 CFR 785

Legal Deadline: None

Abstract: The rule would revise existing permitting and performance standards to take into consideration the unique circumstances and requirements for reprocessing coal waste. The rule would identify the minimum requirements for this type of activity. The action is being undertaken in response to findings and planned actions identified during OSMRE's study of remining initiatives.

Timetable:

Action	Date	FR Cite
Withdrawn No rulemaking action to be taken at this time.	02/23/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Ray Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, **202 342-1514**

RIN: 1029–AB23

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Prerule Stage

1448. ● ONSHORE OIL AND GAS OPERATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3163.1

Legal Deadline: None

Abstract: This rule amends the provision on remedies for acts of noncompliance to require mandatory assessment for all major violations, authorize automatic assessment for minor violations after notice to repeat offenders, and remove State Director authority to reduce automatic assessments.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease, and Reservoir Management, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, 202 653-2127

RIN: 1004–AB71

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1449. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frank W. Snell, Chief, Division of Recreation, Cultural, and Wilderness Resources, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240, 202 343-6064

RIN: 1004–AA27

1450. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bob Schneider, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240, 202 343-9353

RIN: 1004–AA35

1451. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240, 202 653-8815

RIN: 1004–AA38

1452. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None

Abstract: The rule will adapt a governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-9353

RIN: 1004–AA69

1453. RECREATION AND PUBLIC PURPOSES: SOLID WASTE DISPOSAL

Legal Authority: 43 USC 869 et seq; 43 USC 1701 et seq; 31 USC 9701

CFR Citation: 43 CFR 2740

Legal Deadline: None

Abstract: The Recreation and Public Purposes Amendment Act of 1988 (P.L. 100-648) enacted on November 10, 1988, amended the Recreation and Public Purposes Act of 1926. The regulations at 43 CFR 2740 need to be amended in order to add provisions of the new law that pertain to solid waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gary Rowe, Realty Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AA73

1454. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING-GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3200

Legal Deadline: None

Abstract: The rulemaking will issue corrections and clarifications to published final rule of May 16, 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Mason, Chief, Division of Fluid, Mineral Leasing, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2190

RIN: 1004–AA97

1455. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-5441

RIN: 1004–AA98

1456. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Chief, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-5441

RIN: 1004–AB00

1457. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick Carroll, Land Surveyor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-8798

RIN: 1004–AB07

1458. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Don Simpson, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AB10

1459. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB18

1460. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AB20

1461. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 2 by requiring new casing rather than used casing in all cases except certain circumstances prescribed by the authorized officer and changing the location of required centralizers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kent, Petroleum Engineer, Department of the Interior, Bureau of Land Management, 601 Premier Bldg., Washington, DC 20240, 202 653-2174

RIN: 1004–AB21

1462. ● ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF GAS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 5 on Measurement of Gas to provide for approval by the jurisdictional Bureau of Land Management State Office of gas measurement by electronic flow computers, using an orifice, that calculate volume using equations specified by the American Gas Association Committee Report No. 3.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and, Reservoir Management, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, 202 653-2127

RIN: 1004–AB22

1463. ● ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS - ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 3 - Site Security by specifying in the operators' self-inspection program three options for operators in exercising their responsibilities in the measurement, or the monitoring of the measurement by the purchaser, of the oil or gas produced.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and, Reservoir Management, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, 202 653-2127

RIN: 1004–AB24

1464. ● SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: 16 USC 617

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

Abstract: This rule will amend existing regulations that permit timber export and purchase volumes to "ratchet" upward at a questionable rate, leading to substitution, and will simplify the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard W. Bird, Forester, Department of the Interior, Bureau of Land Management, 901 Premier Building, Washington, DC 20240, 202 653-8864

RIN: 1004–AB34

1465. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 3809; 43 CFR Subpart 3833

Legal Deadline: None

Abstract: The rule would make amendments to the regulatory provisions dealing with the surface management of mining claims to incorporate changes recommended by a BLM task force that studied this area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-8537

RIN: 1004–AB36

1466. ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB37

1467. EXPLORATION ACTIVITY; OIL AND GAS LEASING; COMPETITIVE LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3120

Legal Deadline: None

Abstract: The rulemaking will issue corrections and clarifications to published final rule of June 17, 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Mason, Chief, Branch of Fluid Mineral, Leasing, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2190

RIN: 1004–AB41

1468. COAL MANAGEMENT—GENERAL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will revise the exploration and mining operations regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240, 202 343-7722

RIN: 1004–AB44

1469. ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Division Chief, Fluid Mineral Lease & Reservoir Management, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AB47

1470. LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide for improved administration of Leases, Permits and Easements under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Chief, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 18th & C St., NW., Washington, DC 20240, 202 343-5441

RIN: 1004–AB51

1471. MINING IN MILITARY WITHDRAWALS

Legal Authority: 100 Stat 3457, sec. 12; 30 USC 22; 43 USC 1701 et seq

CFR Citation: 43 CFR 3828; 43 CFR 3811

Legal Deadline: None

Abstract: This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military Lands identified as suitable for mining through the Bureau of Land Management's planning system are proposed to be opened on the effective date of an opening order that will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reginald E. Reid, Geologist, Department of the Interior, Bureau of Land Management, 18th & C St., NW., Washington, DC 20240, **202 343-8537**

RIN: 1004–AB52

1472. SPECIAL LAWS AND RULES; RESTATEMENT OF PROCEDURES FOR THE SEGREGATION AND OPENING OF PUBLIC LANDS; AMENDMENT

Legal Authority: 43 USC 1202; 43 USC 851 to 852; 43 USC 869 et seq; 43 USC 641 et seq; 43 USC 321 to 323; 43 USC 231; 25 USC 334; 26 Stat 794; 25 USC 336; 16 USC 485; 72 Stat 339 to 340; 43 USC 852 note; 16 USC 818; 43 USC 315f; 43 USC 1601 et seq

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify procedural aspects of specific actions covering the segregation of public lands as well as procedures under which those lands are opened to the public land and mineral laws.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 43 USC 321; 43 USC 325; 43 USC 327 to 329

Agency Contact: Dennis Samuelson, Realty Specialist, Department of the Interior, Bureau of Land Management, 18th & C Street, NW., Washington, DC 20240, **202 343-6486**

RIN: 1004–AB54

1473. PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 3000

Legal Deadline: None

Abstract: This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, Washington, DC 20240, **202 653-8853**

RIN: 1004–AB55

1474. CONTRACT EXTENSION (TIMBER SALES)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5473; 43 CFR 5474

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning extension of time for cutting and removal on timber sale contracts. Shorter contract terms and increased seasonal restrictions on operations have caused a problem with the reappraisal requirement for contract extensions. This regulation would allow contract extensions without reappraisal under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, **202 653-8864**

RIN: 1004–AB56

1475. CLASSIFICATIONS

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 1840; 43 CFR 2091; 43 CFR 2400; 43 CFR 2520; 43 CFR 2610; 43 CFR 2620; 43 CFR 2640; 43 CFR 2911

Legal Deadline: None

Abstract: This rule will remove Part 2400 and add certain provisions relating to classification requirements to other parts of Title 43. The proposed changes will do away with the present classification process and replace it with BLM planning environmental analysis, a notice of realty action, and consistent protest and appeals procedures. The rule will also establish a formal procedure for modifying or terminating a classification, and will make airport grant and lease procedures consistent with the procedures for other land transactions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Department of the Interior, Bureau of

Land Management, 18th & C St., NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AB57

1476. VILLAGE SELECTIONS

Legal Authority: 43 USC 1613

CFR Citation: 43 CFR 2651

Legal Deadline: None

Abstract: This rule would amend the existing regulations to allow underselected Alaska Native Village Corporations to select lands identified and made available by the Secretary enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Olivia Short, Department of the Interior, Bureau of Land Management, 18th & C St., NW., Washington, DC 20240, 202 343-6511

RIN: 1004–AB58

1477. CAVE MANAGEMENT

Legal Authority: 16 USC 4301 et seq; 43 USC 1740

CFR Citation: 43 CFR 37

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This rule will provide criteria to determine whether caves on Federal lands are significant and thereby to be given special attention in planning and other decisions affecting Federal lands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rob Hellie, Outdoor Recreation Planner, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240, 202 343-6064

RIN: 1004–AB59

1478. OIL AND GAS LEASING

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3160

Legal Deadline: None

Abstract: This rule will change the responsible party for all oil and gas lease obligations from operator to lessee.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Mason, Chief, Division of Fluid Mineral, Leasing, Department of the Interior, Bureau of Land Management, Premier Bldg., Room 602, Washington, DC 20240, 202 653-2190

RIN: 1004–AB65

1479. SALES OF FOREST PRODUCTS

Legal Authority: 43 USC 1181a et seq; 30 USC 601 et seq

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will remove the requirement for semi-annual reports to Congress on negotiated timber sales of 250 M board feet or more made since the last report. The report is no longer required by law. This is an administrative final rulemaking removing this and other obsolete administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, Premier Bldg., Room 901, Washington, DC 20240, 202 653-8864

RIN: 1004–AB66

1480. NATIONAL CONSERVATION AREAS; LAW ENFORCEMENT—CRIMINAL

Legal Authority: 102 Stat. 4571

CFR Citation: 43 CFR 8350; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will provide implementing procedures for the management of the San Pedro Riparian National Conservation Area, and reserve space in the Code of Federal Regulations for procedures for management of other National Conservation Areas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Annette Jameson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 3643 Main Interior, 18th & C Sts, NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AB67

1481. LAW ENFORCEMENT—CRIMINAL

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule will prohibit individuals from harassing, threatening, giving false information to, or otherwise interfering with officers, volunteers, human resource program enrollees, or other personnel of or associated with the Bureau of Land Management.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Karen Folwell, Assistant Bureau Program Coordinator, Department of the Interior, Bureau of Land Management, (111), Washington, DC 20240, 202 653-2223

RIN: 1004–AB68

1482. ● MANAGEMENT OF DESIGNATED WILDERNESS AREA

Legal Authority: 43 USC 1701 et seq; 16 USC 1131 et seq

CFR Citation: 43 CFR 8560

Legal Deadline: None

Abstract: This rule will amend the existing regulations to remove obsolete provisions, clarify and simplify the regulations, and add provisions on access to inholdings, rights-of-way, use of mechanized equipment by certain individuals, access by Native Americans.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hal Hallett, Department of the Interior, Bureau of Land Management, Room 3360 MIB, Washington, DC 20240, **202 343-6064**

RIN: 1004–AB69

1483. ● AVAILABILITY OF PUBLIC RECORDS

Legal Authority: 43 USC 1201; 43 USC 1460; 43 USC 1734, 1737; 5 USC 552

CFR Citation: 43 CFR 1814

Legal Deadline: None

Abstract: This rule will establish specific procedures for public access to Bureau of Land Management records on all media, including paper, microform, computer, and audiovisual, in order to facilitate public access. It will also provide information on fees that may be required for providing records or services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy A. Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 208 Premier Building, Washington, DC 20240, **202 653-8853**

RIN: 1004–AB70

1484. ● ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO 1 - APPROVAL OF OPERATIONS ON ONSHORE FEDERAL AND INDIAN OIL AND GAS LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Order No. 1 to conform to the regulations in 43 CFR 3160 and for consistency with the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The rule will specify the requirements for the approval of all proposed exploratory, development, and service wells, and for approval of certain subsequent operations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease, and Reservoir Management, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, **202 653-2127**

RIN: 1004–AB72

1485. ● ONSHORE OIL AND GAS UNIT AGREEMENTS—UNPROVEN AREAS

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3183.4; 43 CFR 3185.1

Legal Deadline: None

Abstract: This rule will clarify the effective date of approval of a unit agreement, and will provide for State Director review in cases of appeals by adversely affected parties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Mineral Lease and, Reservoir Management, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, **202 653-2127**

RIN: 1004–AB73

1486. ● DRAINAGE, DRILLING, AND PRODUCING OBLIGATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 43 USC 1701 et seq; 25 USC 2102; 16 USC 668dd to ee; 31 USC 483a

CFR Citation: 43 CFR 3100.2; 43 CFR 3100.2-1; 43 CFR 3100.2-2; 43 CFR 3162.2

Legal Deadline: None

Abstract: This rule will clarify the responsibilities of fluid mineral lessees for protecting Federal-leased fluid minerals from drainage by operations on nearby lands that would result in lower royalties for Federal or Indian lessors by specifying requirements before the obligation of lessees to protect from such drainage begins, by providing a profitability threshold for lessee responsibility, by allocating burden of proof of drainage, and by specifying the responsibilities of multiple lessees and assignees.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sherry Barnett, Petroleum Engineer, Department of the Interior, Bureau of Land Management, 601 Premier Building, Washington, DC 20240, **202 653-2146**

RIN: 1004–AB74

1487. ● CONVEYANCE OF RESERVED MINERAL INTERESTS

Legal Authority: 43 USC 1719

CFR Citation: 43 CFR 3817

Legal Deadline: None

Abstract: This rule will provide for the conveyance of reserved mineral interests in cases where either there are no known mineral values in the land or

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the reservation of the mineral rights in the United States is interfering with or precluding appropriate non-mineral development of the land and such development is a more beneficial use of the land than mineral development.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick Sheehy, Mining Law Specialist, Department of the Interior, Bureau of Land Management, Room 3538 MIB, Washington, DC 20240, 202 343-8537

RIN: 1004–AB75

1488. ● MINERAL MATERIALS DISPOSAL

Legal Authority: 30 USC 601 et seq

CFR Citation: 43 CFR 3600

Legal Deadline: None

Abstract: This rule will improve the economies of scale of mineral materials production by providing for contracts with a longer term than the current 10 years, either a longer fixed term, or a term based on the duration of production tied to diligence requirements. It will also provide for contracts for concomitantly larger quantities of mineral materials, the quantity available at the contract site.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Durga Rimal, Geologist, Department of the Interior, Bureau of Land Management, Room 3538 MIB, Washington, DC 20240, 202 343-8537

RIN: 1004–AB76

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1489. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	01/19/90	55 FR 1837
NPRM Comment Period End	03/20/90	55 FR 1837
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AA66

1490. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM - Second Comment Period End	05/16/89 07/17/89	54 FR 21075 54 FR 21075
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-2127

RIN: 1004–AA67

1491. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732

CFR Citation: 43 CFR 2200

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34380
NPRM Comment Period End	12/01/89	54 FR 43185
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Roger Taylor, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 343-8693

RIN: 1004–AB28

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1492. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47904
NPRM Comment Period End	12/28/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-2171

RIN: 1004–AB32

1493. CONDUCT OF SALES (TIMBER)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5440

Legal Deadline: None

Abstract: This rule would amend the existing regulations to define more precisely when someone may be disbarred from participating in a timber sale and would provide notice and opportunity for a hearing to those who are subject to debarment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28830
NPRM Comment Period End	10/05/87	52 FR 28830
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB35

1494. SALES OF FOREST PRODUCTS; CONDUCT OF SALES

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will amend the existing regulations to specify the conditions under which the provisions of this subpart are applicable to contracts that are not completed.

Timetable:

Action	Date	FR Cite
NPRM	07/28/89	54 FR 31347
NPRM Comment Period End	08/28/89	54 FR 31347
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB39

1495. SALES OF FOREST PRODUCTS; AWARD OF CONTRACT

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5450; 43 CFR 5460

Legal Deadline: None

Abstract: This rule will amend the existing regulations as they relate to timber sale contract performance bonds and payment schedules to discourage speculative bidding.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29357
NPRM Comment Period End	09/11/89	54 FR 29357
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, 202 653-8864

RIN: 1004–AB40

1496. LAW ENFORCEMENT—CRIMINAL (FOREST PRODUCTS)

Legal Authority: 18 USC 1852; 18 USC 1853; 43 USC 1753

CFR Citation: 43 CFR 5400; 43 CFR 9230

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning the unlawful removal of forest products from public lands. Existing regulations rely on State statutes in those States with statutes, but little support is provided if State statutes do not exist. This regulation would provide this support and improve overall management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	11/28/89	54 FR 48917
NPRM Comment Period End	01/29/90	54 FR 48917
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240, 202 343-8864

RIN: 1004–AB48

1497. GEOTHERMAL RESOURCES LEASING

Legal Authority: 30 USC 1001 to 1027

CFR Citation: 43 CFR 3200

Legal Deadline: None

Abstract: The rule would amend the existing regulations concerning definitions of terms, excepted areas, leasing terms, diligent exploration requirements, and review of executing agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/89	54 FR 13884
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

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Final Rule Stage

Agency Contact: Douglas Koza, Chief, Branch of Compliance and Operations, Department of the Interior, Bureau of Land Management, 1725 I Street, NW (Premier Bldg.), Washington, DC 20006, **202 653-2127**

RIN: 1004–AB53

1498. PROTECTION MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS; PRIVATE MAINTENANCE; SUPPORTING INFORMATION AND CERTIFICATION FOR MORE THAN FOUR HORSES OR BURROS

Legal Authority: 16 USC 1331 to 1340; 43 USC 1701 et seq; 18 USC 47; 43 USC 315

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This rule will prohibit the use of a power of attorney to adopt or maintain more than four (4) wild horses or burros, in order to reduce the likelihood of substantial numbers of the animals being used for commercial purposes after the 1-year maintenance period has ended.

Timetable:

Action	Date	FR Cite
NPRM	02/06/90	55 FR 3989
NPRM Comment Period End	03/08/90	55 FR 3989
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John S. Boyles, Chief, Division of Wild Horses and Burros, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240, **202 653-9215**

RIN: 1004–AB63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Completed Actions

1499. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Propose Rulemaking	12/27/82	47 FR 57521
Withdrawn - no action to be taken at this time	03/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, **202 343-8537**

RIN: 1004–AB04

1500. MINING CLAIMS UNDER THE GENERAL MINING LAW—NATURE AND CLASSES OF MINING CLAIMS ASSESSMENT WORK

Legal Authority: 43 USC 1732 to 1733; 30 USC 28-1; 30 USC 28-2; 30 USC 26; 30 USC 33; 43 USC 1782

CFR Citation: 43 CFR 3800; 43 CFR 3840; 43 CFR 3850

Legal Deadline: None

Abstract: This rulemaking will amend the existing regulations to include the criteria for the standard of discovery as applied to oil shale placer mining claims and provide clarification of what constitutes substantial compliance with assessment work requirements under the Mining Law.

Timetable:

Action	Date	FR Cite
Withdrawn - no further action at this time	03/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240, **202 343-8537**

RIN: 1004–AB43

1501. FEES, RENTS, AND ROYALTIES

Significance: Agency Priority

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3473.3-2(a)(3)

Legal Deadline: None

Abstract: This rule will revise the royalty rate for coal removed from an underground mine to be a fixed percentage rate of 8 percent.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28822
NPRM Comment Period End	09/28/88	
Final Action	01/26/90	55 FR 2653
Final Action Effective	02/26/90	55 FR 2653

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240, **202 343-7722**

RIN: 1004–AB45

DOI—BLM

Completed Actions

1502. AWARD OF CONTRACT; SALES ADMINISTRATION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning timber sale contract performance bonds and payments to encourage responsible bidding at such a rate that the bidder, if awarded the contract, would be able to perform the obligations under the contract.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31055
NPRM Comment Period End	10/17/88	
Final Action	02/06/90	55 FR 3953
Final Action Effective	03/08/90	55 FR 3953

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240, 202 343-8864

RIN: 1004–AB49

1503. LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will clarify the permit requirements for public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views.

Timetable:

Action	Date	FR Cite
Withdrawn Combined with RIN 1004-AB51.	01/18/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Ryan, Associate District Manager, Department of the Interior, Bureau of Land Management, Las Vegas District Office, PO Box 26569, Las Vegas, NV 89126, 702 646-8800

RIN: 1004–AB64

BILLING CODE 4310-84-T

[FR Doc. 90-6974 Filed 04-20-90; 8:45 am]

Federal Register

Monday
April 23, 1990

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

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48 CFR Ch. 28

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1990 regulatory agenda pursuant to Executive Order No. 12291 "Federal Regulation," 3 CFR part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. sections 601-612 (West 1984), and Office of Management and Budget Bulletin 90-03, December 1, 1989.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue NW., Washington, DC 20530, (202) 633-3123.

Dated: March 1, 1990.

Thomas M. Boyd,

Director, Office of Policy Development.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1504	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1505	Prescriptions for Controlled Substances, Requirements for Use of Automated Data Processing Systems	1117-AA03
1506	Prescriptions for Controlled Substances in Schedule II for Patients in Long Term Care Facilities and the Terminally Ill	1117-AA04
1507	Authority to Make Inspections	1117-AA05

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1508	Representation and Appearances	1103-AA21
1509	Expedited Deportation Proceedings for Aliens Convicted of Aggravated Felonies	1103-AA22
1510	Debt Collection	1103-AA23

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1511	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures	1103-AA18

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1512	Procedures for Collection of Past Due Legally Enforceable Debt Through Federal Tax Refund Offset	1103-AA16
1513	Aliens and Nationality, Asylum and Withholding of Deportation Proceedings	1103-AA19

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General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1514	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair (Cont)	1103-AA14
1515	Justice Acquisition Regulations Title 48; Justice Acquisition Circular 89-1	1103-AA20

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1516	Nonimmigrant Classes; Special Requirements for Admission; Extension and Maintenance of Status	1115-AA68
1517	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB12
1518	Prosecution for Escape From Service Custody	1115-AB15
1519	Conditions for Release From Custody and/or Bond and for Change of Venue	1115-AB16
1520	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Suspension of Deportation and Voluntary Departure	1115-AB19
1521	Nonimmigrant Classes	1115-AB26
1522	Nonimmigrant Classes	1115-AB31
1523	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB37
1524	Documentary Requirements; Nonimmigrants; Nonresident Alien Border Crossing Card	1115-AB39
1525	Aliens in Immediate and Continuous Transit	1115-AB42
1526	Employment Authorization for the Spouse and Dependent Children of an Exchange Alien	1115-AB50
1527	Nonimmigrant Classes; Special Requirement for Admission, Extension and Maintenance of Status, Control of Employment of Alien	1115-AB52
1528	Conditional Basis of Lawful Permanent Residence Status for Certain Alien Spouses and Sons and Daughters	1115-AB61
1529	Refugee Travel Documents	1115-AB62
1530	Field Officers; Powers and Duties; Subpoena	1115-AB63
1531	Change of Address Notification; Immigration Forms	1115-AB65
1532	Visa Waiver Pilot Program	1115-AB69
1533	Immigration User Fee for Persons Entering the United States from Contiguous Territory and Adjacent Islands	1115-AB78
1534	Petition to Classify as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB79
1535	Definition of Crewman	1115-AB80
1536	Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status; Control of Employment of Aliens	1115-AB81
1537	INS/EOIR Fee Review; I-512	1115-AB83
1538	Certificate of Naturalization	1115-AB84
1539	Petitions for Prospective Immigrant Employees	1115-AB85

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1540	Asylum Procedures	1115-AA13
1541	Nonimmigrant Classes; Temporary Employees	1115-AA25
1542	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1543	State Employment Agencies	1115-AA50
1544	Immigration and Nationality Form; G-641	1115-AA66
1545	Contracts with Transportation Lines	1115-AA88
1546	Replenishment Agricultural Workers Regulations	1115-AB05
1547	INS/EOIR Fee Review	1115-AB11
1548	Appeals, Precedents, Certifications, and Motions	1115-AB17
1549	Aliens and Nationality	1115-AB23
1550	Applications, Petitions, and Other Documents—Evidence	1115-AB25
1551	Aliens and Nationality; Asylum and Withholding of Deportation Procedures	1115-AB27
1552	Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status, Control of Employment of Aliens	1115-AB30
1553	Judicial Recommendations Against Deportation; Controlled Substance Violations	1115-AB33
1554	Availability of Decisions and Interpretive Material Under the Freedom of Information Act	1115-AB36
1555	Waiver of Certain Types of Visas	1115-AB40

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Immigration and Naturalization Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1556	Transit Without Visa	1115-AB45
1557	Subpoena Issuance Authority	1115-AB46
1558	Verification of Immigration Status of Aliens Applying for Benefits Under Certain Programs	1115-AB47
1559	Apprehension, Custody, and Detention: Clarification of Force and Effect of Service Detainers (Form I-247)	1115-AB48
1560	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft	1115-AB53
1561	Cooperative Agreement; Qualified Designated Entities (QDEs) in Good Standing Authorized To Conduct the Registration of Persons Abroad Seeking Replenishment Agricultural Worker (RAW) Status	1115-AB54
1562	Pilot Study of a Telephone Verification System for Employers to Verify the Immigration Status of Alien Employees	1115-AB57
1563	Computer-Matching Agreements Between INS and State Agencies Using INS's Systematic Alien Verification for Entitlements (SAVE) Program	1115-AB58
1564	United States History/Government Questions and Answers for Adjustment of Status From Temporary Resident to Permanent Resident	1115-AB59
1565	Immigration and Naturalization Service User Fee Advisory Committee Meeting	1115-AB66
1566	Applicant Processing for the Legalization Program; Conforming Amendments	1115-AB67
1567	New Employment Authorization Document	1115-AB68
1568	Immigration User Fee	1115-AB71
1569	Changes to Chapter 15 of the U.S.-Canada Free-Trade Agreement	1115-AB72
1570	Powers and Duties of Service Officers; Availability of Service Records, Control of Employment of Aliens	1115-AB73
1571	Termination of Temporary Resident Status	1115-AB74
1572	Adjustment of Status; Nurses	1115-AB76
1573	Inspection of Persons Applying for Admission	1115-AB82
1574	Burden of Proof for Applicants for Refugee Status	1115-AB86

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1575	Powers and Duties of Service Officers; Availability of Service Records	1115-AA21
1576	Immigration User Fee Review	1115-AA30
1577	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AA44
1578	Petition to Classify as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AA76
1579	Special Agricultural Workers	1115-AA83
1580	Acceptance by Overseas Immigration and Naturalization Service Offices and American Consulates of Jurisdiction of Relative Petitions Based on Residence of Petitioners	1115-AB01
1581	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB13
1582	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft	1115-AB14
1583	Delegations of Authority to Issue Orders to Show Cause and Warrants of Arrest in Proceedings to Determine Deportability	1115-AB22
1584	Fee Remittances, Cash and Personal Check Elimination	1115-AB24
1585	Nonimmigrant Classes Pursuant to the U.S.-Canada Free Trade Agreement	1115-AB29
1586	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB38
1587	Field Officers, Powers and Duties	1115-AB41
1588	Adjustment to Permanent Resident Status	1115-AB43
1589	Inspection of Persons Applying for Admission	1115-AB44
1590	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing, and Appeal	1115-AB49
1591	Statement of Organization; Ports of Entry for Aliens Arriving by Aircraft	1115-AB51
1592	Deportation of Aliens; Warrants of Deportation and Authentication of Foreign Records	1115-AB55
1593	Deportation of Aliens; Aliens Convicted of Aggravated Felonies	1115-AB56
1594	Resident Alien Card I-551; New Version	1115-AB60
1595	Residence; Physical Presence and Absence; Recognized American Institutes	1115-AB64
1596	Adjustment of Status to That of Person Admitted for Permanent Residence; Interview	1115-AB70

DOJ

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1597	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1598	Implementing Civil Penalties Under the Anti-Drug Abuse Act of 1988	1105-AA10
1599	Establishment of User Fees	1105-AA11

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1600	Notification of Obligations of Agents of Foreign Governments Under 18 USC 951	1105-AA06

Office of Justice Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1601	Equal Employment Opportunity Program Guidelines	1121-AA10
1602	Nondiscrimination in OJP Federally Assisted Programs	1121-AA11

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1603	Criminal Intelligence Systems Operating Policies	1121-AA12
1604	Criminal Justice Information Systems	1121-AA13

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Civil Rights Division (CRT)

1504. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation. On August 12, 1987 DOJ submitted to HHS a draft final regulation.

DOJ—CRT **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Worthen, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2217

RIN: 1190–AA03

DEPARTMENT OF JUSTICE (DOJ)
Drug Enforcement Administration (DEA)

Final Rule Stage

1505. ● PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, REQUIREMENTS FOR USE OF AUTOMATED DATA PROCESSING SYSTEMS

Significance: Agency Priority

Legal Authority: 21 USC 821; 21 USC 829; 21 USC 871(b)

CFR Citation: 21 CFR 1306.21; 21 CFR 1306.22; 21 CFR 1306.26; 21 CFR 1306.31

Legal Deadline: None

Abstract: This rule will amend existing regulations concerning the maintenance and retrieval of controlled substance prescription information stored in automated data processing systems. The rule is intended to clarify and simplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36815
NPRM Comment Period End	11/24/89	54 FR 43436
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117–AA03

1506. ● PRESCRIPTIONS FOR CONTROLLED SUBSTANCES IN SCHEDULE II FOR PATIENTS IN LONG TERM CARE FACILITIES AND THE TERMINALLY ILL

Significance: Agency Priority

Legal Authority: 21 USC 821; 21 USC 829; 21 USC 871(b)

CFR Citation: 21 CFR 1306.02; 21 CFR 1306.05; 21 CFR 1306.11; 21 CFR 1306.13

Legal Deadline: None

Abstract: This rule will amend portions of the regulations relating to the issuing and filling of Schedule II prescriptions for patients in Long Term Care Facilities or to those that are terminally ill. It proposes to allow certain Schedule II prescriptions to be partially filled, and to allow a physician medication order sheet to be used as a prescription for patients in a Long Term Care Facility.

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11006
NPRM Comment Period End	05/25/89	54 FR 17769
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117–AA04

1507. ● AUTHORITY TO MAKE INSPECTIONS

Significance: Agency Priority

Legal Authority: 21 USC 822(f); 21 USC 830(a)(2); 21 USC 871(b); 21 USC 880; 21 USC 965

CFR Citation: 21 CFR 1316.03

Legal Deadline: None

Abstract: This rule will amend the regulations concerning the inspection of persons required to keep records and file reports pursuant to the Chemical Diversion and Trafficking Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40888
NPRM Comment Period End	11/20/89	54 FR 40888
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117–AA05

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Prerule Stage

1508. REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None

Abstract: The proposed regulation would amend 8 CFR 292.1 and enable first and second year law students taking part in a clinical program at an accredited law school to represent individuals before the Immigration and Naturalization Service, Board of Immigration Appeals, and Immigration Judges under certain specified circumstances. It will also eliminate the provision allowing law school graduates without bar admission to practice under certain limited

DOJ—DOJADM **Prerule Stage**

circumstances before the Service, Board, and Immigration Judges.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/90	
ANPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103–AA21

1509. EXPEDITED DEPORTATION PROCEEDINGS FOR ALIENS CONVICTED OF AGGRAVATED FELONIES

Significance: Agency Priority

Legal Authority: 8 USC 1101(a)(43); 8 USC 1252(a)(1) to (2); 8 USC 1252a; 8 USC 1254(e)(1)(2); 8 USC 1251(a)(4)(B)

CFR Citation: 8 CFR 3.39; 8 CFR 3.40; 8 CFR 3.41; 8 CFR 3.42; 8 CFR 3.43; 8 CFR 3.44; 8 CFR 3.45; 8 CFR 3.46; 8 CFR 3.47

Legal Deadline: None

Abstract: The proposed regulation will establish procedures for implementing sections 101(a)(43); 242(a)(1) and (2); 242(k); 244(e)(1) and (2); and 241(a)(4)(B) of the Immigration and Nationality Act as amended by the Anti-Drug Abuse Act of 1988. Specifically, these regulations will add a new Subpart D to 8 CFR Part 3 which will provide expedited deportation proceedings for aliens convicted of crimes defined as aggravated felonies in section 101(a)(43) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	
ANPRM Comment Period End	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103–AA22

1510. ● DEBT COLLECTION

Significance: Agency Priority

Legal Authority: 5 USC 5514; 5 USC 3716

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: This change provides the Department with procedures to collect debts by salary offset from current employees and from former Department employees who work for other Government agencies.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/90	
ANPRM Comment Period End	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Williams, Director, Finance Staff, Justice Management Division, Department of Justice, General Administration, 601 D Street, NW., Washington, DC 20530, **202 272-6984**

RIN: 1103–AA23

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM) **Proposed Rule Stage**

1511. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

Legal Authority: EO 12356; Information Security Oversight Office Directive No. 1

CFR Citation: 28 CFR 17

Legal Deadline: None

Abstract: To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, General Administration, Justice Management Division, 10th & Constitution Avenue, NW., Washington, DC 20530, **202 633-2094**

RIN: 1103–AA18

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM) **Final Rule Stage**

1512. PROCEDURES FOR COLLECTION OF PAST DUE LEGALLY ENFORCEABLE DEBT THROUGH FEDERAL TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The proposed rule will revise an interim final rule published on March 9, 1989, which established procedures for referring to the Department of Treasury debts for collection by offset against Federal Income Tax Refunds. Treasury's rules for offsets against tax refunds are limited to the period January 1, 1986, through January 10, 1994. The proposed rule will broaden the scope of coverage by including organizations and entities in addition to individual debtors, and by including debts that are past due

DOJ—DOJADM

Final Rule Stage

and legally enforceable but not reduced to judgment in addition to debts that have been reduced to judgment.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22026
Interim Final Rule	03/09/89	54 FR 9979
Interim Final Rule Effective	03/09/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Imogene McCleary, Special Assistant to the Director, Department of Justice, General Administration, Debt Collection Management, Justice Management Division, Room 1121, 10th & Const. Ave. NW., Washington, DC 20530, 202 633-5349

RIN: 1103–AA16

1513. ALIENS AND NATIONALITY, ASYLUM AND WITHHOLDING OF DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208.10

Legal Deadline: None

Abstract: The proposed regulation change would make certain grounds for the mandatory denial of asylum claims, such as certain serious criminal convictions, applicable in deportation and exclusion proceedings. It would clarify the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of the alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	53 FR 28231
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA19

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1514. RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR (CONT)

Significance: Agency Priority

CFR Citation: 28 CFR 66

Completed:

Reason	Date	FR Cite
Final Action	11/24/89	54 FR 48593
Final Action Effective	11/24/89	54 FR 48593

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103–AA14

1515. JUSTICE ACQUISITION REGULATIONS TITLE 48; JUSTICE ACQUISITION CIRCULAR 89-1

CFR Citation: 48 CFR 2801.404, (Revision); 48 CFR 2801.470, (New); 48 CFR 2813.570, (New); 48 CFR 2819.5, (New)

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 40377
Final Action Effective	10/04/89	54 FR 40377

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. L. Vann 202 272-8354

RIN: 1103–AA20

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

1516. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION; EXTENSION AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101(a)(15)(B); 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to set forth, in regulatory form, the special requirements for admission, extension and maintenance of status of nonimmigrant alien visitors for business and visitors for pleasure. Much of the Service's written policy relating to this subject is now contained in the Service's Operations Instructions at O.I. 214.2(b). Because it is more appropriate for interpretations and rules to be set forth in regulatory form, this information will become part of 8 CFR 214. In addition, the proposed rulemaking will clarify the criteria for according B-1 classification to members of certain occupations (such as participants in religious programs and members of foreign film crews). By issuing this advance notice, the Service is providing an opportunity to the public to submit comments and make suggestions at an earlier stage of the process. This will result in a proposed rule which is more comprehensive in its scope and more understandable to the public.

DOJ—INS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	10/01/87	52 FR 36783
ANPRM Comment Period End	11/16/87	52 FR 36783
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1025-89

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-3946**

RIN: 1115–AA68

1517. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.4(c)

Legal Deadline: None

Abstract: This regulation will impact Service administration and public awareness on issues concerning "Subsequent Petition by Same Petitioner for Same Beneficiary."

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1208-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-5014**

RIN: 1115–AB12

1518. PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY

Legal Authority: PL 100-690

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: The regulation will create implementing language for that section of the Anti-Drug Abuse Act of 1988 that makes escape, attempted escape, or assisting in an escape from Service custody a misdemeanor offense.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1213-89

Agency Contact: Carol Jenifer, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-2276**

RIN: 1115–AB15

1519. CONDITIONS FOR RELEASE FROM CUSTODY AND/OR BOND AND FOR CHANGE OF VENUE

Legal Authority: 8 USC 1103; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; 5 USC 301; 8 USC 1182; 8 USC 1252; 8 USC 1254; 8 USC 1362; EO 12356; 100 Stat 3359; PL 95-145, Title I

CFR Citation: 8 CFR 3; 8 CFR 242

Legal Deadline: None

Abstract: This rule sets forth minimum conditions which an alien who has been placed in custody following the issuance of an order to show cause and a warrant of arrest must meet in order to be considered for release from custody and/or bond. It sets similar conditions which an alien in deportation proceedings must meet in order to obtain a change of venue.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1214-89

Agency Contact: Lolita Semidey, Attorney, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-2895**

RIN: 1115–AB16

1520. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 242; 8 CFR 244

Legal Deadline: None

Abstract: Amendments to procedural language describing the administrative procedures used by the Immigration and Naturalization Service in apprehension, custody, hearing, and appeal processes for aliens convicted of aggravated felonies. These changes are predicated upon the amendments to the Immigration and Nationality Act contained in the Anti-Drug Abuse Act of 1988 (Subtitle J-Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies).

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1209-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 786-4502**

RIN: 1115–AB19

1521. NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This regulation amends regulations relating to temporary treaty traders and investors under 101 (a)(15)(E) of the INA. It further expands and clarifies current regulations for greater public understanding.

DOJ—INS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1203-89

Agency Contact: Pearl Chang, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3240

RIN: 1115–AB26

1522. NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 CFR 2

CFR Citation: 8 CFR 214.2(k)

Legal Deadline: None

Abstract: This rule will impact Service Administration and public awareness concerning issues related to fiancees and fiances of United States citizens.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1204-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-5014

RIN: 1115–AB31

1523. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(8); 8 CFR 204.1(a)(2)(iii)

Legal Deadline: None

Abstract: This regulation will impact Service Administration and public awareness concerning issues related to "Relationship by Adoption."

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1206-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-5014

RIN: 1115–AB37

1524. DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; NONRESIDENT ALIEN BORDER CROSSING CARD

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 235; 8 CFR 245; 8 CFR 264; 8 CFR 299

Legal Deadline: None

Abstract: Standardize procedures governing issuance of border crossing cards to aliens who are citizens and residents of Mexico. The rule also relates to issues and procedures for inspecting an alien who presents a border crossing card and the eligibility of an alien who entered the United States with a border crossing card to adjust status in the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1235-89

Agency Contact: Gene Paz, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-4033

RIN: 1115–AB39

1525. ALIENS IN IMMEDIATE AND CONTINUOUS TRANSIT

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238.3; 8 CFR 212.1(f)

Legal Deadline: None

Abstract: Amendments to section 212.1(f) as well as to section 238(d) eliminating the 6-hour transit time period replacing it with 48-hour and eliminating approved itinerary from the regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS Number 1236-89

Agency Contact: Susan Curda, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-2725

RIN: 1115–AB42

1526. EMPLOYMENT AUTHORIZATION FOR THE SPOUSE AND DEPENDENT CHILDREN OF AN EXCHANGE ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214.2(e)

Legal Deadline: None

Abstract: The rule will amend INS regulations relating to employment authorization for dependents of an exchange alien in J-1 visa classification.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1233-89

Agency Contact: Pearl B. Chang, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 633-3240

RIN: 1115–AB50

1527. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 214.2; 8 CFR 274a.12

Legal Deadline: None

Abstract: Collaborative effort with INS, Department of State and Department of Defense on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is to clarify the current regulations and bring them more into alignment with the A and G regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1234-89

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 633-3240

RIN: 1115–AB52

1528. ● CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

Legal Authority: 66 Stat 166; 66 Stat 173; 66 Stat 179; 66 Stat 184; 66 Stat 217; 66 Stat 100; 100 Stat 3537; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 216.4(a)(2); 8 CFR 216.5; 8 CFR 204

Legal Deadline: None

Abstract: This regulation conforms with contemporary Service interpretation of the statute, as amended by the Immigration Marriage Fraud Amendments of 1986 (IMFA). This proposed rule will revise various procedures in 8 CFR 216. It also amends 8 CFR 204 which defines when an alien is in proceedings to agree with the Rules of Procedure for Immigration Judge Proceedings, 8 CFR 3.12. These regulations will assist in Service administration and will clarify procedures established during the three years of IMFA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1239-90

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, 202 633-5014

RIN: 1115–AB61

1529. ● REFUGEE TRAVEL DOCUMENTS

Legal Authority: 8 USC 1102; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1186a; 8 USC 1203; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251

CFR Citation: 8 CFR 223; 8 CFR 223a

Legal Deadline: None

Abstract: In response to the Anti-Drug Act of 1986 which restricts issuance of United States passports to individuals charged with drug offenses, this regulation will prohibit the issuance of refugee travel documents to refugees who are charged with a drug-related offense.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1240-90

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, 202 633-5014

RIN: 1115–AB62

1530. ● FIELD OFFICERS; POWERS AND DUTIES; SUBPOENA

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287.4

Legal Deadline: None

Abstract: This rule amends regulations by permitting service of a subpoena to be made by an immigration officer except when the subpoena is issued by a special inquiry officer on behalf of a party other than the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1242-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 786-4502

RIN: 1115–AB63

1531. ● CHANGE OF ADDRESS NOTIFICATION; IMMIGRATION FORMS

Legal Authority: 8 USC 1103; 8 USC 1305; 8 CFR 2

CFR Citation: 8 CFR 265.1

Legal Deadline: None

Abstract: This rule will amend the current regulation by dictating that unless exempt by statute, all aliens including applicants for Legalization, Special Agricultural Workers and Replenishment Agricultural Workers must report new address and changes of address on Form AR-11.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1245-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service,

425 I Street, NW., Room 2207, Washington, DC 20536, 202 786-4502

RIN: 1115–AB65

1532. ● VISA WAIVER PILOT PROGRAM

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: This action will allow an alien covered by the existing Visa Waiver Pilot Program to arrive in Canada on a transportation line signatory to an agreement under the Visa Waiver Pilot Program and to then apply for entry over the land border. In addition, this action would continue to hold the transporting air or sea carrier liable as if the alien had arrived on that carrier at a designated air or sea port within the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1252-90

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-2745

RIN: 1115–AB69

1533. ● IMMIGRATION USER FEE FOR PERSONS ENTERING THE UNITED STATES FROM CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: This action would be issued subsequent to the passage of a bill amending section 286 to establish an immigration user fee for services for persons entering the United States from contiguous territory and adjacent islands.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1263-90

Agency Contact: Donna Kay Barnes, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-3269

RIN: 1115–AB78

1534. ● PETITION TO CLASSIFY AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.5(b)

Legal Deadline: None

Abstract: This rule will provide procedures for filing a petition to classify an immigrant as an immediate relative of a U.S. citizen.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1270-90

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, 202 633-5014

RIN: 1115–AB79

1535. ● DEFINITION OF CREWMAN

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 252.1

Legal Deadline: None

Abstract: This action would expand the definition of crewman to include supernumeraries and clearly delineate the tasks which crewmen may perform. Publication of this regulation is contingent upon passage of bill by Congress which redefines crewman.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1265-90

Agency Contact: Greg Burcham, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-4035

RIN: 1115–AB80

1536. ● NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS; CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: Employment regulations for principal aliens in A and G (and possibly NATO) classification.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1271-90

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 633-5014

RIN: 1115–AB81

1537. ● INS/EOIR FEE REVIEW; I-512

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; EO 12356; ...

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to amend the existing fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special

DOJ—INS **Proposed Rule Stage**

services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number H-90

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6309, Washington, DC 20536, 202 633-4705

RIN: 1115–AB83

1538. ● CERTIFICATE OF NATURALIZATION

Legal Authority: 8 USC 1449

CFR Citation: 8 CFR 338.11; 8 CFR 338.12

Legal Deadline: None

Abstract: This regulation removes the restriction that the court must maintain hard copy records and allows for maintenance of electronic records. In addition, INS will accept computer generated hard copy records which will streamline administrative court functions, improve service to petitioners, and benefit INS which must work with the court to effect naturalization hearings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1267-90

Agency Contact: Thomas Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, 202 633-3946

RIN: 1115–AB84

1539. ● PETITIONS FOR PROSPECTIVE IMMIGRANT EMPLOYEES

Legal Authority: 8 USC 1103; 8 USC 1154; 8 USC 1182

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This regulation provides for reorganization of regulatory material pertaining to third and sixth preference visa petitions with incorporation of precedential material and Service policy.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1268-90

Agency Contact: Edward H. Skerrett, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20546, 202 633-3946

RIN: 1115–AB85

DEPARTMENT OF JUSTICE (DOJ) — Final Rule Stage

Immigration and Naturalization Service (INS)

1540. ASYLUM PROCEDURES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f); 8 CFR 3

Legal Deadline: None

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32552
NPRM Comment Period End	10/27/87	52 FR 32552
Modification of Proposed Rule	04/06/88	53 FR 11300
Comment Period End	05/06/88	53 FR 11300
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: DOJ Order Number on revised proposed rule 1267-88.

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-5463

RIN: 1115–AA13

1541. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the Nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to provide permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and

incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1008-88

Agency Contact: Michael L. Aytes, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-2982**

RIN: 1115–AA25

1542. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number C-88

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-2895**

RIN: 1115–AA29

1543. STATE EMPLOYMENT AGENCIES

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; PL 99-603

CFR Citation: 8 CFR 274a.6

Legal Deadline: None

Abstract: This interim rule amends the regulations at 8 CFR 274a.6, defining procedures for State employment agencies in verifying the identity and employment eligibility of individuals and certifying verifications to employers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/87	52 FR 43050
Effective Date of Interim Rule	11/09/87	52 FR 43050
Comment Period Closes on Interim Rule	01/08/88	52 FR 43050
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS Number 1046-87

Agency Contact: Michael J. Creppy, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, **202 633-2895**

RIN: 1115–AA50

1544. IMMIGRATION AND NATIONALITY FORM; G-641

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1443; 28 USC 1746; 7 USC 2243; 31 USC 9701; 5 USC 522(a); EO 12356

CFR Citation: 8 CFR 103.7; 8 CFR 103.21; 8 CFR 299.1; 8 CFR 499.1

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") entertains numerous requests for verification of information from INS Service Records, via Form G-641. This form has been misused as a substitute document, while other INS documents are being prepared (i.e., I-94, I-551 or Certificate of Naturalization or Citizenship). Should an applicant need to have his or her status verified while waiting for one of these documents to be processed, and such verification can be satisfied by obtaining a copy of a document (certified if necessary), an FOIA/PA request can be made. If verification is needed to obtain a benefit and a copy will not suffice, the agency needing verification can make a direct request to the INS and it will be handled as appropriate.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1250-90

Agency Contact: Nina Conner, Information Management Specialist, Department of Justice, Immigration and Naturalization Service, Room 5060, 425 I Street, NW., Washington, DC 20536, **202 633-5365**

RIN: 1115–AA66

1545. CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 238.2(b); 8 CFR 238.3(b)

Legal Deadline: None

Abstract: This action would add or delete the names of airlines under those signatory to an agreement with the U.S. Government for the pre-flight inspection of passengers destined for the United States embarking from various designated foreign locations. In addition it would add or delete the names of transportation companies under those signatory to an agreement with the U.S. Government for the transporting of passengers in direct and continuous transit through the United States destined for a third country.

DOJ—INS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	01/17/90	55 FR 1578
Final Action Effective	01/17/90	55 FR 1578
At regular intervals updates to this listing will be made by the Immigration Service	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Numbers 1041-89, 1244-89

Agency Contact: Donna Kay Barnes, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-3269**

RIN: 1115–AA88

1546. REPLENISHMENT AGRICULTURAL WORKERS REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This rule adds a new Part 210a of 8 CFR, to conform with the new section 210A of the Immigration and Nationality Act, established by the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603. The purpose of this proposed rule is to set forth the criteria and procedures to be used to admit or adjust the status of replenishment agricultural workers for temporary residence, and to address the rights and obligations of aliens admitted or adjusted under this section.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9054
NPRM Comment Period End	04/03/89	
Interim Final Rule	07/17/89	54 FR 29875
Interim Final Rule Effective	07/17/89	54 FR 29875
Interim Final Rule Comment Period End	08/16/89	54 FR 29875
Interim Final Rule	09/01/89	54 FR 36275
Interim Final Rule Effective	09/01/89	54 FR 36275
Interim Final Rule Comment Period End	10/02/89	54 FR 36275
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1201-90

Agency Contact: Janet M. Charney, Deputy Assistant Commissioner, Legalization Programs, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 786-3658**

RIN: 1115–AB05

1547. INS/EOIR FEE REVIEW

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to amend the existing fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 5030
NPRM Comment Period End	01/13/89	
Final Action	04/04/89	54 FR 13513
Final Action Effective	05/04/89	54 FR 13513
Proposed Change-Comments Due by 07/13/89	06/13/89	54 FR 25125
Interim Final Rule	11/22/89	54 FR 48230
Interim Final Rule Effective	11/22/89	54 FR 48230
Interim Final Rule Comment Period End	12/22/89	54 FR 48230
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Numbers F-88, 1254-89

DOJ Order Numbers 1350-89, 1332-89

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Finance Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-4705**

RIN: 1115–AB11

1548. APPEALS, PRECEDENTS, CERTIFICATIONS, AND MOTIONS

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1160; 8 USC 1201; 8 USC 1255a; 8 USC 1303; 8 USC 1304; 8 USC 1455; 31 USC 9701; EO 12356; 3 CFR 1982 Comp., p. 166

CFR Citation: 8 CFR 103.1; 8 CFR 103.3; 8 CFR 103.4; 8 CFR 103.5

Legal Deadline: None

Abstract: The regulatory action deals with appeals, precedent decisions, certifications, and motions. It would have a beneficial impact on the public by increasing the time periods for submission of certain appeals and briefs and making requirements easier to understand. It would have a beneficial impact on the Service by increasing the number of complete appeals filed with any supporting briefs and streamlining the Service's review of certain decisions. It would also change the title of the Chief, Administrative Appeals Unit to Director, which would have a negligible impact.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29344
NPRM Comment Period End	08/11/89	54 FR 29344
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1136-89

Agency Contact: Thomas Simmons, Chief, Administrative Appeals Unit, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 376-2084**

RIN: 1115–AB17

DOJ—INS

Final Rule Stage

1549. ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq; 8 USC 1103; 8 USC 1324A

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This action will revise several sections of 8 CFR 274a to incorporate minor technical and editorial changes on the basis of procedural problems identified during the past two years of experience with these new provisions. The provisions deal with employment authorizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS Number 1211-89

Additional INS contact person: Jackie Depew, 633-3946

Agency Contact: Michael J. Creppy, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, 202 633-2895

RIN: 1115–AB23

1550. APPLICATIONS, PETITIONS, AND OTHER DOCUMENTS—EVIDENCE

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)(1)

Legal Deadline: None

Abstract: This rule should resolve the issue of who certifies a copy of an original document.

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1202-89

Agency Contact: Raymond Jaroneski, Jr., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB25

1551. ALIENS AND NATIONALITY; ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES

Legal Authority: 8 USC 1101; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: The provisions of 8 CFR 208.10 are amended to make certain grounds for the mandatory denial of asylum claims, such as an alien's conviction of a particularly serious crime in the United States, directly applicable and binding on applications for asylum that are filed during deportation or exclusion proceedings. The rule also clarifies the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of an alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number G-89

INS Contact Person: Ralph Thomas, Deputy Assistant Commissioner, Refugee, Asylum and Parole, 633-5463.

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Department of Justice, Immigration and Naturalization Service, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1115–AB27

1552. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule revises the regulations of the INS relating to employment authorization for dependents of certain foreign government and international organization officials classified as A-1, A-2, and G-4 nonimmigrants. It also allows employment authorization for dependents of certain foreign officials classified as G-1 nonimmigrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 46850
Interim Final Rule Effective Date	11/21/88	53 FR 46851
Interim Final Rule Comment Period End	12/21/88	53 FR 46851
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1125-89

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB30

1553. JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS

Legal Authority: 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule will require additional data to be provided by an alien seeking a judicial recommendation against deportation in order to help identify him/her to the Immigration and Naturalization Service. This change is necessary to ensure that

the Service will be given sufficient information necessary to identify the alien who is the subject of a motion for a judicial recommendation against deportation. This change will permit the Service sufficient time to obtain any file relating to the alien and to prepare a response, if desired, to the alien's motion for a judicial recommendation against deportation.

Timetable:

Action	Date	FR Cite
NPRM	01/04/89	54 FR 154
NPRM Comment Period End	02/03/89	54 FR 154
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1124-89

Agency Contact: Ira Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-3098**

RIN: 1115–AB33

1554. AVAILABILITY OF DECISIONS AND INTERPRETIVE MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to eliminate the requirement to maintain a public reading room at each district office. Since public use has been minimal, INS proposes to maintain a reading room only at its Central Office in Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4830
NPRM Comment Period End	03/02/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1117-89

Agency Contact: Russell Powell, Chief, FOIA/PA Section, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-1722**

RIN: 1115–AB36

1555. WAIVER OF CERTAIN TYPES OF VISAS

Legal Authority: 8 USC 1182; 8 USC 1103; 8 USC 1102; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212.1

Legal Deadline: None

Abstract: The regulation would delegate the authority of the Secretary of State to the District Director and the Officer in Charge of the Immigration and Naturalization Service (INS) to enable INS to waive nonimmigrant visas at ports of entry on routine waiver cases without the concurrence of the Department of State.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1225-90

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB40

1556. TRANSIT WITHOUT VISA

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Legal Deadline: None

Abstract: This rule will require that aliens being transported in immediate and continuous transit through the United States be in possession of the appropriate visa prior to application for admission and removes 8 CFR 212.1(f) by eliminating direct transit without visas.

Timetable:

Action	Date	FR Cite
NPRM	01/05/90	55 FR 438
NPRM Comment Period End	02/05/90	55 FR 438
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1232-89

Agency Contact: Susan Curda, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB45

1557. SUBPOENA ISSUANCE AUTHORITY

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule amends section 287.4(a)(1) and section 287.4(c) of Title 8 of the Code of Federal Regulations by adding the Assistant Chief Patrol Agent officer position to the lists of those Immigration officers who may issue and designate service of subpoenas under this section.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1120-89

Agency Contact: Arthur A. Harkness, Deputy Chief, Border Patrol, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7232, Washington, DC 20536, **202 633-1109**

RIN: 1115–AB46

1558. VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS

Legal Authority: PL 99-603, Sec 121

CFR Citation: None

Legal Deadline: None

Abstract: This notice will serve as an announcement to SAVE participating agencies of GSA's decision to increase their present rate of discount approximately 3.5 percent. The rate change went into effect for FY 89, but due to misinterpretation and irregularities in their notification process, INS is presently negotiating with GSA to waive FY 89 cost increase and appropriately notify SAVE program participants of the new rate. Accordingly, agency managers will have to review their purchase/delivery orders to determine if they have sufficient funds approved to cover the rate increase.

Timetable:

Action	Date	FR Cite
Notice	08/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS Number 1231-89

Agency Contact: Neville N. Cramer, Director, SAVE Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, **202 633-2317**

RIN: 1115–AB47

1559. APPREHENSION, CUSTODY, AND DETENTION: CLARIFICATION OF FORCE AND EFFECT OF SERVICE DETAINERS (FORM I-247)

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2

Legal Deadline: None

Abstract: This rule will clarify the force and effect of Service detainers and make clear that a Service detainer has no effect upon the alien or correctional institution until the alien has been released from the custody of the correctional institution.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29050
NPRM Comment Period End	08/10/89	54 FR 29050
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1219-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, **202 633-3098**

RIN: 1115–AB48

1560. STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION, AND BY AIRCRAFT

Legal Authority: Section 103 of the Immigration and Nationality Act; 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: Designates/redesignates Class A and B ports of entry for inspection of arriving aliens. The rule relates to agency management.

Timetable:

Action	Date	FR Cite
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1238-89

Agency Contact: Gene Paz, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB53

1561. COOPERATIVE AGREEMENT; QUALIFIED DESIGNATED ENTITIES (QDES) IN GOOD STANDING AUTHORIZED TO CONDUCT THE REGISTRATION OF PERSONS ABROAD SEEKING REPLENISHMENT AGRICULTURAL WORKER (RAW) STATUS

Legal Authority: Section 210A of the Immigration and Nationality Act, as amended

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This is a notice to the general public of the existence of the cooperative agreement which deals with replenishment agricultural workers (RAWs).

Timetable:

Action	Date	FR Cite
Notice	08/00/90	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1228-89

Agency Contact: E. B. Duarte, Jr., Director, Outreach Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2108, Washington, DC 20536, **202 633-4123**

RIN: 1115–AB54

1562. PILOT STUDY OF A TELEPHONE VERIFICATION SYSTEM FOR EMPLOYERS TO VERIFY THE IMMIGRATION STATUS OF ALIEN EMPLOYEES

Legal Authority: Section 274A(b) of the Immigration and Nationality Act

CFR Citation: None

Legal Deadline: None

Abstract: The INS presently is seeking a redelegation to the Attorney General of the President's authority under section 274A(d) of the INA so that INS can be permitted to conduct demonstration projects to evaluate the effectiveness and security of the employment verification system required by 8 CFR 274a.2 pursuant to section 274A(b) of the INA, and be able to recommend or implement such changes as are necessary to establish a more secure system.

Timetable:

Action	Date	FR Cite
Notice	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INS Number 1230-89

Agency Contact: Neville W. Cramer, Deputy Assistant Commissioner, Employer and Labor Relations/SAVE Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, **202 633-2317**

RIN: 1115–AB57

DOJ—INS

Final Rule Stage

1563. COMPUTER-MATCHING AGREEMENTS BETWEEN INS AND STATE AGENCIES USING INS'S SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM

Legal Authority: PL 99-603, sec 121; PL 100-503

CFR Citation: None

Legal Deadline: Other, Statutory. Notice must be published by 12/31/89.

Abstract: Agreements between INS and State agencies using an automated "computer-matching" process to access INS's SAVE data base to verify the immigration status of alien applicants for specified entitlement benefits pursuant to Section 121 of IRCA. The Computer Matching Act applies to certain computerized comparisons of information in a Federal agency's automated system of records with the automated records of another organization, and provides procedural requirements and safeguards for any information obtained through any type of information exchange which is defined as a "computer-matching" program under that law. A "matching agreement" between the organizations is also required. Six State agencies were determined to be using as of June 1, 1989, a type of automated access method in conducting SAVE-related verifications that subjects them to the provisions of the Computer Matching Act.

Timetable:

Action	Date	FR Cite
Notice	08/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: INS Number 1229-89

Agency Contact: Neville W. Cramer, Deputy Assistant Commissioner, Employer and Labor Relations/SAVE Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, **202 633-2317**

RIN: 1115–AB58

1564. ● UNITED STATES HISTORY/GOVERNMENT QUESTIONS AND ANSWERS FOR ADJUSTMENT OF STATUS FROM TEMPORARY RESIDENT TO PERMANENT RESIDENT

Legal Authority: PL 99-603

CFR Citation: None

Legal Deadline: None

Abstract: This notice provides a listing of possible questions relating to the history and government of the United States that will be asked during the interview for adjustment of status from temporary to permanent residence in accordance with 8 CFR 245a.3(b)(4)(iii)(A).

Timetable:

Action	Date	FR Cite
Notice	07/12/89	54 FR 29456

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1218-89

Agency Contact: Terrance M. O'Reilly, Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 786-3658**

RIN: 1115–AB59

1565. ● IMMIGRATION AND NATURALIZATION SERVICE USER FEE ADVISORY COMMITTEE MEETING

Legal Authority: 8 USC 1356(a); 8 USC 1356(k); 5 USC app 2 Federal Advisory Committee Act

CFR Citation: None

Legal Deadline: None

Abstract: Notice of upcoming meetings of the INS User Fee Advisory Committee meeting is open to the public, but advance notice of attendance is requested. Members of the public may submit written statements for consideration by this Advisory Committee.

Timetable:

Action	Date	FR Cite
Notice	11/14/89	54 FR 47429
Notice of Meetings Will Be Published Periodically	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1246-89

Agency Contact: Sharon L. Isenberg, Program Analyst, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB66

1566. ● APPLICANT PROCESSING FOR THE LEGALIZATION PROGRAM; CONFORMING AMENDMENTS

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305

CFR Citation: 8 CFR 264

Legal Deadline: None

Abstract: This rule provides for reporting and recordkeeping requirements for registration of aliens, including applicants for permanent residence under the Legalization Program. This rule corrects an inadvertent deletion of a portion of 8 CFR 264.1(c).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/89	54 FR 50340
Interim Effective	12/06/89	54 FR 50340
Interim Comment Period End	01/05/90	54 FR 50340
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1247-89

Agency Contact: Terrance M. O'Reilly, Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 786-3658**

RIN: 1115–AB67

DOJ—INS

Final Rule Stage

1567. ● NEW EMPLOYMENT AUTHORIZATION DOCUMENT

Legal Authority: PL 99-603

CFR Citation: None

Legal Deadline: None

Abstract: This notice informs employees of a new employment authorization document that INS will be issuing to aliens authorized for employment in the United States.

Timetable:

Action	Date	FR Cite
Notice	01/26/90	55 FR 2710

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1248-90

Agency Contact: Kathryn E. Sheehan, Deputy Assistant Commissioner, Employer and Labor Relations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, **202 633-2471**

RIN: 1115–AB68

1568. ● IMMIGRATION USER FEE

Legal Authority: 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: This rule sets forth changes to existing regulations by addressing the implementation of a lockbox for Immigration User Fee (IUF) remittances. Implementation of this rule will result in better cash management for the United States Government.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/90	55 FR 729
Interim Final Rule Comment Period End	02/08/90	55 FR 729
Interim Final Rule Effective	02/08/90	55 FR 729
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1256-89

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 6309, Washington, DC 20536, **202 633-4705**

RIN: 1115–AB71

1569. ● CHANGES TO CHAPTER 15 OF THE U.S.-CANADA FREE-TRADE AGREEMENT

Legal Authority: PL 100-449

CFR Citation: None

Legal Deadline: None

Abstract: This notice informs the public of proposed changes to Annex 1502.1 to Chapter 15 of the FTA. Public notification complies with the wishes of Congress that any changes or additions to Chapter 15 be announced publicly with time allowed for comment.

Timetable:

Action	Date	FR Cite
Notice	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1258-90

Agency Contact: Edward H. Skerrett, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 633-3946**

RIN: 1115–AB72

1570. ● POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS, CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1324a; 8 USC 1455; 31 USC 9701; EO 12356

CFR Citation: 8 CFR 103; 8 CFR 274a

Legal Deadline: None

Abstract: These provisions make it unlawful for a person or entity to knowingly hire, recruit or refer for a fee for employment in the United States, aliens that are not authorized to work in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1259-90

Agency Contact: Michael J. Creppy, Acting Deputy General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, **202 633-3201**

RIN: 1115–AB73

1571. ● TERMINATION OF TEMPORARY RESIDENT STATUS

Legal Authority: 8 USC 1103; 8 USC 1160; 8 CFR 2

CFR Citation: 8 CFR 210.2(e); 8 CFR 210.3(d); 8 CFR 210.4(d)

Legal Deadline: None

Abstract: This rule amends regulations concerning termination of temporary resident status granted to an alien as a Special Agricultural Worker. This rule will ensure that affected aliens are notified of the grounds alleged for termination of status and are given an opportunity to appeal any adverse decision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1260-90

Agency Contact: Janet Charney, Deputy Assistant Commissioner, Special Agricultural Worker Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, **202 786-3658**

RIN: 1115–AB74

1572. ● ADJUSTMENT OF STATUS; NURSES

Legal Authority: PL 101-238

CFR Citation: 8 CFR 245

DOJ—INS

Final Rule Stage

Legal Deadline: NPRM, Statutory, March 18, 1990.
In accordance with PL 101-238 regulations must be promulgated 90 days after enactment of amendment or no later than March 18, 1990.

Abstract: This regulation implements sections of Public Law 101-238 by providing for adjustment of status, without regard to numerical limitations, for certain H-1 nurses.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/16/90	
Interim Final Rule	03/21/90	55 FR 10395
Interim Final Rule Comment Period End	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1269-90

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, 202 633-5014

RIN: 1115–AB76

1573. ● INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: PL 94-241; EO 12572

CFR Citation: None

Legal Deadline: None

Abstract: Persons born before November 3, 1986, in the Northern Mariana Islands who received United States citizenship are authorized issuance of an identification card during a two-year period ending July 1, 1990. This notice is a reminder to the public of the card issuance period.

Timetable:

Action	Date	FR Cite
Notice	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1266-90

Agency Contact: Cindy N. Lechner, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, 202 633-5014

RIN: 1115–AB82

1574. ● BURDEN OF PROOF FOR APPLICANTS FOR REFUGEE STATUS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362

CFR Citation: 8 CFR 208; 8 CFR 242

Legal Deadline: None

Abstract: This rule clarifies the burden of proof for applicants for refugee status, withholding of deportation and asylum by establishing that an alien fleeing coerced population control policies of forced abortions or sterilization may be considered to have a clear probability for withholding of deportation or well-founded fear of persecution (for asylum) on account of political opinion.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/90	55 FR 2803
Interim Final Rule Effective	01/29/90	55 FR 2803
Interim Comment Period End	02/28/90	55 FR 2803
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number J-89

DOJ Order Number 1391-90

Agency Contact: Patricia A. Cole, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7048, Washington, DC 20536, 202 633-2895

RIN: 1115–AB86

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Completed Actions

1575. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
Final Action	12/19/89	54 FR 51869
Final Action Effective	01/18/90	54 FR 51869

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Michael Shaul 202 633-3946

RIN: 1115–AA21

1576. IMMIGRATION USER FEE REVIEW

CFR Citation: 8 CFR 286

Completed:

Reason	Date	FR Cite
Final Action	11/16/89	54 FR 47676
Final Action Effective	12/18/89	54 FR 47676

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Thomason, Jr. 202 633-4705

RIN: 1115–AA30

1577. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

CFR Citation: 8 CFR 214.2(h)

Completed:

Reason	Date	FR Cite
Final Action	01/26/90	55 FR 2606
Final Action Effective	02/26/90	55 FR 2606

Small Entities Affected: None

Government Levels Affected: Federal

DOJ—INS

Completed Actions

Agency Contact: Flora Richardson 202 633-3946

RIN: 1115–AA44

1578. PETITION TO CLASSIFY AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204

Completed:

Reason	Date	FR Cite
Final Action	09/05/89	54 FR 36753
Final Action Effective	09/05/89	54 FR 36753

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Yolanda Sanchez-K. 202 633-5014

RIN: 1115–AA76

1579. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 242

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming.	02/23/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Aaron Bodin 202 786-3658

RIN: 1115–AA83

1580. ACCEPTANCE BY OVERSEAS IMMIGRATION AND NATURALIZATION SERVICE OFFICES AND AMERICAN CONSULATES OF JURISDICTION OF RELATIVE PETITIONS BASED ON RESIDENCE OF PETITIONERS

CFR Citation: 8 CFR 204

Completed:

Reason	Date	FR Cite
Final Action	08/18/89	54 FR 34141
Final Action Effective	08/18/89	54 FR 34141

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Yolanda Sanchez-K. 202 633-5014

RIN: 1115–AB01

1581. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204.2(c)(8)

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K. 202 633-5014

RIN: 1115–AB13

1582. STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION, AND BY AIRCRAFT

CFR Citation: 8 CFR 100

Completed:

Reason	Date	FR Cite
Final Action	11/16/89	54 FR 47673
Final Action Effective	11/16/89	54 FR 47673

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Burcham 202 633-4033

RIN: 1115–AB14

1583. DELEGATIONS OF AUTHORITY TO ISSUE ORDERS TO SHOW CAUSE AND WARRANTS OF ARREST IN PROCEEDINGS TO DETERMINE DEPORTABILITY

CFR Citation: 8 CFR 242

Completed:

Reason	Date	FR Cite
Final Action	01/17/90	55 FR 1578
Final Action Effective	01/17/90	55 FR 1578

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ira L. Frank 202 786-4502

RIN: 1115–AB22

1584. FEE REMITTANCES, CASH AND PERSONAL CHECK ELIMINATION

CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming	02/23/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles Thomason, Jr. 202 633-4705

RIN: 1115–AB24

1585. NONIMMIGRANT CLASSES PURSUANT TO THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Agency Priority

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a

Completed:

Reason	Date	FR Cite
Final Action	11/24/89	54 FR 48575
Final Action Effective	11/24/89	54 FR 48575

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Edward Skerrett 202 633-3946

RIN: 1115–AB29

1586. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

CFR Citation: 8 CFR 204.2(c)(3); 8 CFR 204.2(c)(4); 8 CFR 204.2(c)(5); 8 CFR 204.1(a)(1)

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K. 202 633-5014

RIN: 1115–AB38

1587. FIELD OFFICERS, POWERS AND DUTIES

CFR Citation: 8 CFR 287

Completed:

Reason	Date	FR Cite
Final Action	11/28/89	54 FR 48851
Final Action Effective	11/28/89	54 FR 48851

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ira Frank 202 633-3098

RIN: 1115–AB41

1588. ADJUSTMENT TO PERMANENT RESIDENT STATUS

CFR Citation: 8 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	12/06/89	54 FR 50339
Final Action Effective	12/06/89	54 FR 50339

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Aaron Bodin 202 786-3658

RIN: 1115–AB43

1589. INSPECTION OF PERSONS APPLYING FOR ADMISSION

CFR Citation: 8 CFR 235

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joyce Leonard 202 633-4034

RIN: 1115–AB44

1590. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

CFR Citation: 8 CFR 242.2(c)

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ira L. Frank 202 633-3098

RIN: 1115–AB49

1591. STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

CFR Citation: 8 CFR 100

Completed:

Reason	Date	FR Cite
Final Action	09/26/89	54 FR 39336
Final Action Effective	09/26/89	54 FR 39336

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Aris R. Kellner 202 633-2725

RIN: 1115–AB51

1592. DEPORTATION OF ALIENS; WARRANTS OF DEPORTATION AND AUTHENTICATION OF FOREIGN RECORDS

CFR Citation: 8 CFR 243.2; 8 CFR 287.6; 8 CFR 299.1

Completed:

Reason	Date	FR Cite
Final Action	09/26/89	54 FR 39336
Final Action Effective	09/26/89	54 FR 39336

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ira L. Frank 202 633-3098

RIN: 1115–AB55

1593. DEPORTATION OF ALIENS; ALIENS CONVICTED OF AGGRAVATED FELONIES

CFR Citation: 8 CFR 212; 8 CFR 242; 8 CFR 244

Completed:

Reason	Date	FR Cite
Withdrawn at agency level; no rule will be forthcoming.	02/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roberta L. Inamorato 202 633-3093

RIN: 1115–AB56

1594. ● RESIDENT ALIEN CARD I-551; NEW VERSION

Legal Authority: PL 99-603

CFR Citation: None

Legal Deadline: None

Abstract: This notice informs employers that a new version of the Resident Alien Card I-551 will be issued. This new version will assist employers in complying with Pub. L. 99-603.

Timetable:

Action	Date	FR Cite
Notice	11/15/89	54 FR 47586

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1222-89

Agency Contact: Kathryn E. Sheehan, Deputy Assistant Commissioner, Employer and Labor Relations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, 202 633-2471

RIN: 1115–AB60

1595. ● RESIDENCE; PHYSICAL PRESENCE AND ABSENCE; RECOGNIZED AMERICAN INSTITUTES

Legal Authority: 8 USC 1103; 8 USC 1427; 8 USC 1428; 8 USC 1443

CFR Citation: 8 CFR 316a

Legal Deadline: None

Abstract: This rule will allow employees of Beirut University College who are active in scientific research on behalf of the institute to be eligible for constructive residence and in the case of United States citizen employees, their spouses eligible for naturalization

DOJ—INS **Completed Actions**

without regard to the normal residence requirements.

Timetable:

Action	Date	FR Cite
Final Action	11/16/89	54 FR 47677
Final Action Effective	11/16/89	54 FR 47677

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1243-89

Agency Contact: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7215, Washington, DC 20536, **202 633-3946**

RIN: 1115–AB64

1596. ● ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; INTERVIEW

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This temporary rulemaking will suspend the interview requirement for one year with regard to applicants for adjustment of status under the provisions of the Cuban Adjustment Act. This action is necessary because of the backlog of these cases now pending at certain offices of the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Temporary Rule Effective	11/20/89	54 FR 47967
Temporary Rule	11/20/89	54 FR 47967

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1253-89

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, **202 633-3946**

RIN: 1115–AB70

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1597. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Analysis: Regulatory Impact Analysis

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW., Room 1268, Washington, DC 20531, **202 724-7792**

RIN: 1105–AA05

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Final Rule Stage

1598. IMPLEMENTING CIVIL PENALTIES UNDER THE ANTI-DRUG ABUSE ACT OF 1988

Significance: Agency Priority

Legal Authority: 28 USC 509; 28 USC 510; 21 USC 844(a)

CFR Citation: 28 CFR 76

Legal Deadline: None

Abstract: Section 6486 of the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, (hereinafter the Act) 21 U.S.C. 844(a), provides for civil penalties for the possession of small amounts of certain controlled substances. In order to implement this provision, this proposed rule sets forth the procedures to be followed in all matters brought before Administrative Law Judges when a complaint is filed seeking a civil penalty from a respondent who has violated this provision of the Act. The proposed rule will also provide notice to respondents and, where appropriate, their counsel, as to the rules of procedure that will be followed by Administrative Law Judges and United States Attorneys when their respective cases are heard.

Timetable:

Action	Date	FR Cite
NPRM	12/13/89	54 FR 51206
NPRM Comment Period End	01/12/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: George W. Calhoun, Senior Counsel, Office of the Attorney General, Department of Justice, Legal Activities, Room 4214, 10th and Constitution Ave., NW., Washington, DC 20530, **202 633-3008**

RIN: 1105–AA10

DOJ—LA

Final Rule Stage

1599. ● ESTABLISHMENT OF USER FEES

Significance: Agency Priority

Legal Authority: PL 100-459; 28 USC 509; 5 USC 301

CFR Citation: 28 CFR 0

Legal Deadline: None

Abstract: PL 100-459, 102 Stat. 2193, the 1988 Appropriation Act for the Department of Justice authorized the INTERPOL-USNCB to establish and collect fees to process name checks and background records for non-criminal employment licensing and humanitarian purposes. This regulation implements the statutory language that provides for the recovery of administrative costs the USNCB incurs in processing non-criminal inquiries.

Timetable:

Action	Date	FR Cite
NPRM	08/23/89	54 FR 35005
NPRM Comment Period End	09/22/89	54 FR 35005
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte Hatfield, Deputy Assistant Chief, Financial Fraud Analysis Section, Department of Justice, Legal Activities, Interpol-USNCB, Washington, DC 20530, 202 272-8383

RIN: 1105–AA11

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Completed Actions

1600. NOTIFICATION OF OBLIGATIONS OF AGENTS OF FOREIGN GOVERNMENTS UNDER 18 USC 951

CFR Citation: 28 CFR 73

Completed:

Reason	Date	FR Cite
Final Action	11/06/89	54 FR 46608
Final Action Effective	11/06/89	54 FR 46608

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joseph E. Clarkson 202 786-4923

RIN: 1105–AA06

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Prerule Stage

1601. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10504(b); 42 USC 10604(e)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
End Review	08/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 724-7681

RIN: 1121–AA10

1602. NONDISCRIMINATION IN OJP FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10604(e); 42 USC 10504(b)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
End Review	08/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 724-7681

RIN: 1121–AA11

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1603. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3796h(c)

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to clarify policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW., Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA12

1604. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to delete obsolete terminology.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW., Room 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA13

[FR Doc. 90-6975 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations, which has been selected for review or development during the coming 1-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1990 and April 1991.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations, and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1990.

Elizabeth Dole,

Secretary of Labor.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1605	Safety and Health Standards for Federal Supply Contracts (Walsh-Healey Standards)	1290-AA09

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1606	Methodology for Determining the Shortage Number Under Section 210A of the Immigration and Nationality Act, as Amended by the Immigration Reform and Control Act of 1986	1290-AA10

DOL

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1607	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09
1608	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H)	1215-AA14

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1609	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1610	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1611	Claims for Medical Benefits under the Federal Employees' Compensation Act, Part 10	1215-AA13
1612	Employment of Homeworkers in Certain Industries	1215-AA36
1613	Civil Penalties for Violations of the Fair Labor Standards Act Minimum Wage and Overtime Compensation Provisions	1215-AA53
1614	Records to be Kept by Employers; Overtime Compensation	1215-AA54
1615	Enforcement of Contractual Obligations Between Health Care Facilities Authorized to Utilize Temporary Nonimmigrant Alien Nurses	1215-AA55
1616	Government Contractors: Contractor Participation in Training Programs Pursuant to the Job Training Partnership Act (JTPA) (29 USC 1781)	1215-AA56

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1617	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1618	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
1619	Employee Polygraph Protection Act of 1988	1215-AA49
1620	Claims Subchapter A - Longshore and Harbor Workers' Compensation Act and Related Statutes and Subchapter B - Federal Coal Mine Health and Safety Act, as Amended	1215-AA51
1621	Training Wage Provisions of the Fair Labor Standards Amendments of 1989	1215-AA52
1622	Fair Labor Standards Amendments of 1989 as Applied to Puerto Rico	1215-AA57

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1623	Compensation Payable Under the Federal Employees' Compensation Act, as Amended	1215-AA50

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1624	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1625	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43

DOL

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1626	Airline Deregulation: Employee Benefit Program	1205-AA07
1627	Advances Under Title XII, SSA, and Tax Credit Under FUTA	1205-AA65
1628	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
1629	State Agency Disclosure of Unemployment Insurance Wage and Claim Information as Provided by Federal Law	1205-AA74
1630	Labor Standards for the Registration of Apprenticeship Programs (Revision)	1205-AA77
1631	The Job Training Partnership Act Amendments of 1990	1205-AA81
1632	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Various Amendments to 20 CFR Part 655	1205-AA82
1633	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: "Fifty Percent Rule" Component of Regulations	1205-AA83

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1634	Senior Community Service Employment Program	1205-AA29
1635	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1636	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1637	Administrative Procedure, Federal State Unemployment Compensation Program	1205-AA69
1638	Trade Adjustment Assistance for Workers	1205-AA72
1639	Title V of the Job Training Partnership Act Jobs for Employable Dependent Individuals Incentive (JEDI) Bonus Program	1205-AA75
1640	Job Opportunities and Basic Skills Training Program (JOBS)	1205-AA76
1641	Attestation Process for Health Care Facilities Seeking to Employ Nonimmigrant Nurses	1205-AA84

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1642	Job Training Partnership Act Audits	1205-AA53
1643	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1644	Individual Benefits Reporting and Recordkeeping for Multiemployer Plans	1210-AA02
1645	Individual Benefits Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1646	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1647	"Top Hat" Plans	1210-AA21
1648	Summary Annual Report	1210-AA36
1649	Civil Penalties Under ERISA Section 502(l)	1210-AA37
1650	Time and Manner of Notice Requirement Under ERISA Section 101(d)	1210-AA38

DOL

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1651	Participant Directed Individual Account Plans	1210-AA08
1652	Adequate Consideration	1210-AA15
1653	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1654	Procedures for Filing and Processing Applications for Exemption from the Prohibited Transaction Provisions of ERISA, the Internal Revenue Code, and FERSA	1210-AA26

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1655	Final Bonding Rules Under FERSA	1210-AA31

Office of Labor Management Standards—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1656	Labor Organizations Which May File Simplified Annual Reports	1294-AA05

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1657	Noise Standard	1219-AA53
1658	Confined Spaces	1219-AA54
1659	Approval Requirements for Detonators	1219-AA64
1660	Training for Mining Construction Workers and Independent Contractors	1219-AA68

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1661	Hoisting and Transportation of Persons and Materials	1219-AA12
1662	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33
1663	Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977	1219-AA44
1664	Hazard Communication	1219-AA47
1665	Refuse Pile and Impoundment Inspection Records	1219-AA49
1666	Newly Employed Experienced Miner and Supervisor Training	1219-AA55
1667	Approval of Electric Cables and Splice Kits	1219-AA57
1668	Approval of Intrinsically Safe Battery-Powered Devices	1219-AA59
1669	Approval of Explosion-proof Enclosures	1219-AA60
1670	Approval of Electric Motor Assemblies	1219-AA61
1671	Flame Test of Conveyor Belting and Hose	1219-AA65
1672	Blasting Units for Metal and Nonmetal Mines with Methane	1219-AA66
1673	Water, Sediment or Slurry Impoundments	1219-AA69
1674	Waterlines in Belt Conveyor Entries	1219-AA70
1675	Boiler and Pressure Vessel Inspections	1219-AA71
1676	Carbon Monoxide Monitor Approval	1219-AA72

DOL

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1677	Pattern of Violations	1219-AA04
1678	Underground Coal Mine Electrical Standards	1219-AA10
1679	Underground Coal Mine Ventilation	1219-AA11
1680	Review of Metal and Nonmetal Electrical Standards	1219-AA14
1681	Explosives and Blasting in Underground Coal Mines	1219-AA16
1682	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1683	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1684	Metal and Nonmetal Radiation Standards	1219-AA28
1685	Approval Criteria for Respiratory Protective Devices	1219-AA30
1686	Rules of Practice for Petitions for Modification of Mandatory Safety Standards	1219-AA45
1687	Air Quality Standards	1219-AA48
1688	Safety Standards for Berms and Guardrails at Metal and Nonmetal Mines	1219-AA56
1689	Safety Standards for Roof, Face and Rib Support	1219-AA58
1690	Information Collection Requirements for Mine Rescue Equipment Test and Inspection; SCSR Inspection Records; Records of Fire Drills; and First Aid Training for Supervisory Employees	1219-AA67

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1691	Multiple-Shot Blasting Units	1219-AA42
1692	Roof Bolts and Roof Support Removal	1219-AA63

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1693	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1694	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA15
1695	DOL Adoption of Common Rule Implementing Drug-Free Workplace - Nonprocurement	1291-AA17

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1696	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1697	Carcinogen Policy	1218-AA01
1698	Respiratory Protection	1218-AA05
1699	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1700	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1701	Benzene Exposure in Barge/Tanker Cleaning and Repair	1218-AA47
1702	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1703	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1704	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1705	Steel Erection (Part 1926)	1218-AA65
1706	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1707	Formaldehyde	1218-AA82
1708	1,3-Butadiene	1218-AA83
1709	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates	1218-AA84
1710	Gear Certification (Part 1919)	1218-AA97
1711	Methylene Chloride	1218-AA98
1712	Medical Surveillance Programs for Employees	1218-AB00
1713	Exposure Assessment Programs for Employees Exposed to Hazardous Chemicals	1218-AB01
1714	Walking and Working Surfaces (Part 1910)	1218-AB04
1715	Cadmium	1218-AB16
1716	Hazardous Materials (Part 1910)	1218-AB20
1717	Shipyard Employment: Phase II (Part 1915)	1218-AB22
1718	Recording and Reporting Occupational Injuries and Illnesses	1218-AB24
1719	Asbestos (Remand)	1218-AB25
1720	PEL Update Proposal for Construction, Maritime and Agriculture	1218-AB26
1721	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
1722	Vehicle Safety	1218-AB28
1723	Formaldehyde (Remand)	1218-AB29
1724	Control of Hazardous Energy Sources (Lockout/Tagout)—Construction (Part 1926)	1218-AB30

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1725	Ethylene Dibromide (EDB)	1218-AA06
1726	Concrete and Masonry Construction (Part 1926)	1218-AA20
1727	Methods of Compliance	1218-AA28
1728	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1729	Fall Protection (Part 1926)	1218-AA37
1730	Scaffolds (Part 1926)	1218-AA40
1731	Confined Space (Part 1910)	1218-AA51
1732	Logging Operations (Part 1910)	1218-AA52
1733	Stairways and Ladders (Part 1926)	1218-AA57
1734	4,4'-Methylenedianiline	1218-AA58
1735	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1736	Fall Protection in Shipyards (Part 1915)	1218-AA66
1737	Scaffolds in Shipyards (Part 1915)	1218-AA68
1738	Access and Egress in Shipyards (Part 1915)	1218-AA70
1739	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1740	Welding, Cutting and Heating in Shipyards (Part 1915)	1218-AA73
1741	Personal Protective Equipment in Shipyards (Part 1915)	1218-AA74
1742	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1743	Hazard Communication	1218-AB02
1744	Bloodborne Pathogens	1218-AB15

DOL

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1745	Occupational Exposures to Hazardous Chemicals in Laboratories	1218-AA00
1746	Excavations (Part 1926)	1218-AA36

Office of the Assistant Secretary for Veterans' Employment & Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1747	Veterans' Programs and Services Administered by the Office of the Assistant Secretary for Veterans' Employment and Training	1293-AA03

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of the Secretary (OS)

1605. SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS (WALSH-HEALEY STANDARDS)

Legal Authority: 41 USC 35 et seq Walsh-Healey Act; 41 USC 351 et seq Service Contract Act; 29 USC 651 et seq Occupational Safety and Health Act; 30 USC 801 et seq Mine Safety and Health Act; 5 USC 553 Administrative Procedure Act; 20 USC 951 et seq

CFR Citation: 41 CFR 50 to 204; 29 CFR 1910 to 1919; 29 CFR 1924; 29 CFR 1925; 30 CFR 1 to 199

Legal Deadline: None

Abstract: Part 50-204 of 41 CFR contains safety and health standards for Federal supply contracts under the Walsh-Healey Act. These standards, which also apply to Federal contracts for services under the Service Contract Act, were adopted in 1969, and were last revised in 1971. Many of the standards in Part 50-204 are duplicative of standards found in other Department of Labor regulations, primarily those issued under the Occupational Safety and Health Act (OSHA) in 29 CFR Parts 1910-1919, and the Mine Safety and Health Act (MSHA) in 30 CFR. In addition, other OSHA and MSHA standards have been revised and updated considerably since 1971, and these changes are not reflected in Part 50-204. Because employers covered by the Walsh-Healey and Service Contracts Acts are also covered by OSHA and MSHA, and thus are already required to comply with the OSHA and MSHA standards, as applicable, the Department of Labor is considering whether or not the Walsh-Healey standards should be revised by deleting redundant provisions and by substituting appropriate references (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to the corresponding OSHA and MSHA standards. This would clarify that the safety and health standards applied to employers under Federal supply and service contracts are the same standards which apply to them under OSHA and MSHA, and that revisions or updates of OSHA and MSHA standards also apply under the Walsh-Healey and Service Contract Acts.

Agency Contact: Cynthia Attwood, Associate Solicitor, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW., Room 4004, FP Building, Washington, DC 20210, 202 523-7723

RIN: 1290–AA09

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

1606. METHODOLOGY FOR DETERMINING THE SHORTAGE NUMBER UNDER SECTION 210A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Significance: Agency Priority

Legal Authority: 8 USC 1161

CFR Citation: 29 CFR 503

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: Section 210A of the Immigration and Nationality Act requires that the Secretaries of Agriculture and Labor determine the number (if any) of additional aliens who should be admitted to the U.S. or who should otherwise acquire the status of aliens lawfully admitted for temporary residence, to meet a shortage of workers to perform seasonal agricultural services. The "shortage number" so determined is the basis upon which the Immigration and Naturalization Service will admit such workers during fiscal years 1990 through 1993.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 32985
NPRM Comment Period End	09/08/89	
Final Action	01/02/90	55 FR 106
Final Action Effective	01/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Reed, Director, Office of Program Economics, Office of the Assistant Secretary for Policy, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW., Room S2114, FP Bldg., Washington, DC 20210, 202 523-6007

RIN: 1290–AA10

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Prerule Stage

1607. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of the regulations to ensure the safety and health of such minors and at the same time avoid unnecessary restrictions on their employment opportunities. The Department has established a Child (cont)

Timetable:

Action	Date	FR Cite
Notice Published--Decision to Establish Child Labor Advisory Committee	07/21/87	52 FR 27476
Notice Published--Announcing Meetings on October 19-20, 1988	09/27/88	53 FR 37660
Notice Published Announcing Meetings on May 10-11, 1989	04/06/89	54 FR 13958

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations. The committee convened on March 9-10, 1988, at which time subcommittees were established to review Hazardous Order (HO) No. 2 (Motor Vehicle Operations), HO No. 10 (Slaughtering and Meat Packing), and Child Labor Regulation No. 3. Since that time, two additional subcommittees were established to review HO No. 11 (Bakery Machines) and HO No. 12 (Paper Products Machines). The full committee met on May 11, 1989 to receive reports and make recommendations. The review of recommendations from the October 1988 and May 1989 meetings will be completed by early 1990. The Committee's charter was renewed until August 5, 1991, to enable it to continue its study of the regulations. (54 FR 35540)

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA09

1608. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor

Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal to Suspend Rule Indefinitely	03/27/81	46 FR 18998
Comments Due on Suspension Proposal	04/28/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86.

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour, Division, Department of Labor, Employment Standards Administration, Rm S3502, FP Bldg, 200 Constitution Ave., NW., Washington, DC 20210, 202 523-8305

RIN: 1215–AA14

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1609. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended; and Section 503 of the Rehabilitation Act of 1973, as amended. The NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Annie M. Blackwell, Director, Division of Policy, Planning and Review, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW., Rm C3325, FP Bldg., Washington, DC 20210, 202 523-9475

RIN: 1215–AA01

1610. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: This proposal would, among other things, incorporate 1978 and 1980 statutory amendments to definitions applicable to Section 503 of the Rehabilitation Act and to the Veterans' programs. However, since 1981 there have been additional amendments to the Rehabilitation Act and to the Vietnam Era Veterans' Readjustment Assistance Act affecting definitions applicable under the respective programs. All such statutorily required changes to the definitions would be incorporated into the proposed regulatory action contemplated under RIN - 1215-AA01.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
NPRM Second	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie M. Blackwell, Director, Division of Policy, Planning Review, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW., Rm C3325, FP Bldg., Washington, DC 20210, 202 523-9475

RIN: 1215–AA02

1611. CLAIMS FOR MEDICAL BENEFITS UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, PART 10

Significance: Agency Priority

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.411

Legal Deadline: None

Abstract: The Office of Workers' Compensation Programs (OWCP) in 1986 implemented a fee schedule for charges made under the Federal Employees' Compensation Act (FECA) by physicians. The fee schedule specifically excluded hospitals, nursing homes and pharmacies from coverage. In the intervening years, it has been shown that some hospitals are performing many of the same services as those which, when performed by physicians are covered by the fee schedule. The result is that different amounts may be paid for exactly the same service. OWCP proposed to end this inequity by extending to hospitals the fee schedule for those services which are similar to those provided by physicians.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Director, Office of Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA13

1612. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department on 11/9/81, following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed rescission, the Department sought comments on various alternatives to such action (49 FR 11786). On 11/5/84, a final rules was published lifting the ban on homework for (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second -- Comment Period End	05/13/88	53 FR 15063
Final Rule	11/10/88	53 FR 45706
ANPRM	12/30/88	53 FR 53344
ANPRM Comment Period End	05/05/89	54 FR 11008

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: employers in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, and review of comments from a Notice of Proposed Rulemaking published on August 21, 1986 (51 FR 30036), a proposal was published on March 30, 1988 (53 FR 10342) which included enforcement mechanisms to enhance compliance among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063). The proposal also excluded the women's apparel industry and stated that this industry would be the subject of separate rulemaking. A final rule was published November 10, 1988 (53 FR 45706). An ANPRM concerning women's apparel homework was published December 30, 1988 (53 FR 53344). Public hearings on this issue were held in seven cities during March and April 1989. The public comment period on the ANPRM closed on May 5, 1989. (54 FR 11008) The Department is considering whether it would be appropriate to modify the existing regulations in the women's apparel industry.

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA36

1613. ● CIVIL PENALTIES FOR VIOLATIONS OF THE FAIR LABOR STANDARDS ACT MINIMUM WAGE AND OVERTIME COMPENSATION PROVISIONS

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 216(e)

CFR Citation: 29 CFR 560

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Section 9 of the 1989 amendments amends Section 16(e) of the Fair Labor Standards Act (FLSA) to provide that employers who willfully or repeatedly violate the FLSA minimum wage (Section 6) or overtime compensation (Section 7) provisions shall also become subject to a civil penalty of up to $1,000 per violation. New civil penalty regulations are planned to address these provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA53

1614. ● RECORDS TO BE KEPT BY EMPLOYERS; OVERTIME COMPENSATION

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 207(q)

CFR Citation: 29 CFR 516; 29 CFR 778

Legal Deadline: None

Abstract: The 1989 Amendments to the Fair Labor Standards Act (FLSA) contain a provision which allows employers to employ workers for not more than 10 hours in a work week in excess of the 40-hour maximum standard without payment of overtime compensation, if during such period(s) the employees receive remedial education that: (1) is provided to employees who lack high school diplomas or educational attainment at the eighth grade level; (2) is designed to provide reading and other basic skills at an eighth grade level or below: and (3) does not include job-specific training. Minor revisions to existing regulations on overtime compensation and recordkeeping will be made to conform with this provision of the law. ESA will issue a notice of proposed rulemaking to correspond with the statutory changes in overtime compensation. Final regulations will be issued following review of the public comments received.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA54

1615. ● ENFORCEMENT OF CONTRACTUAL OBLIGATIONS BETWEEN HEALTH CARE FACILITIES AUTHORIZED TO UTILIZE TEMPORARY NONIMMIGRANT ALIEN NURSES

Significance: Regulatory Program

Legal Authority: PL 101-238; 8 USC 1182(m)

CFR Citation: 29 CFR 504

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: The Immigration Nursing Relief Act of 1989, PL 101-238, amends Section 212 of the Immigration and Nationality Act to add a new subsection (m) governing the admission to the United States of nonimmigrant nurses during a 5-year period. The law requires employers (health care facilities) interested in hiring temporary alien nurses in the future to file an attestation with the Department of Labor, which must include certain assurances as to the need for and effect of the alien's employment, wage rates to be paid, steps being taken to recruit and retain non-alien nurses, that no strike or lockout exists in a labor dispute, and that certain notifications and posting of notices have occurred. The Department is also required to establish a system for investigating and resolving complaints that the employer is not carrying out these attestations, and is authorized to impose administrative remedies, including civil monetary penalties, as deemed appropriate. The Employment and Training Administration of the Department, in consultation with (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the Department of Health and Human Services, is developing regulations governing the attestation process for health care facilities seeking to employ nonimmigrant nurses. The Employment Standards Administration will administer the enforcement provisions in the legislation by implementing regulations that incorporate the labor standards/attestations issued by ETA and set forth procedures for enforcement of these labor standards.

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA55

1616. ● GOVERNMENT CONTRACTORS: CONTRACTOR PARTICIPATION IN TRAINING PROGRAMS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) (29 USC 1781)

Significance: Regulatory Program

Legal Authority: 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2

Legal Deadline: Final, Statutory, October 1, 1983.

Abstract: Section 481 of the Job Training Partnership Act of 1982 (JTPA) requires OFCCP to issue regulations which will specify the degree to which contractors' participation in JTPA approved training programs will satisfy their affirmative action obligations under Executive Order 11246, as amended. Among the issues to be determined are: (1) the extent to which a contractor's participation in an approved training program satisfies its affirmative action obligations; (2) the contents of an abbreviated affirmative action program; (3) methods for determining compliance; and (4) recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: Issuance of a proposal has been delayed while the Department explores and evaluates the most effective ways to implement the

JTPA consistent with OFCCP's nondiscrimination and affirmative action requirements. (Previously part of RIN 1215-AA01)

Agency Contact: Annie M. Blackwell, Director, Division of Policy, Planning and Review, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room C3325, FP Building, Washington, DC 20210, **202 523-9475**

RIN: 1215–AA56

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

1617. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Significance: Agency Priority

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)

Legal Deadline: None

Abstract: This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative regular dealer definition applicable to information systems integration businesses which bid on contracts to furnish the government fully operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which sales are made, a custom that is inconsistent with this industry's practices. A proposed rule was published on June 22, 1989 inviting public review and comment. Two comments were received during the comment period which ended July 24, 1989 (54 FR 2612). In addition, in November 1989, the Subcommittee on Legislation and National Security of the Committee on Government Operations, U.S. House of Representatives, held a series of hearings on the Federal Government's purchase of ADP equipment which included a review of some procurements awarded to systems integrators. Based on information from these hearings, it was decided to reopen the comment period (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 2612
NPRM Comment Period End	07/24/89	54 FR 2612

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: to ensure that interested parties have sufficient opportunity to submit comments, and to ensure that the Department has sufficient information in deciding what further rulemaking activity is appropriate.

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA33

1618. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an interim final rule on June 1, 1987 (53 FR 20524) that incorporates the labor standards issued by the Employment and Training Administration and sets forth procedures for enforcement of these labor standards.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA43

1619. EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-347, Employee Polygraph Protection Act of 1988; 29 USC 2001 to 2009

CFR Citation: 29 CFR 801 (New)

Legal Deadline: Final, Statutory, September 25, 1988.

Abstract: The Employee Polygraph Protection Act of 1988 (EPPA) was enacted June 27, 1988 and takes effect December 27, 1988. EPPA prohibits most private employers from administering lie detector tests to employees or prospective employees but permits the use of polygraph tests, subject to certain safeguards, under specific circumstances. The Secretary of Labor is authorized to issue rules and regulations to implement EPPA and to enforce it, including authority to conduct investigations, assess civil money penalties for violations, and bring suit in U.S. District Courts to enjoin violations of the Act. An interim final rule was published October 21, 1988 (53 FR 41494), requesting comments by February 27, 1989. The interim final rule became effective on December 27, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41494
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA49

1620. CLAIMS SUBCHAPTER A - LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES AND SUBCHAPTER B - FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

Legal Authority: 33 USC 901; 30 USC 901

CFR Citation: 20 CFR 701; 20 CFR 702; 20 CFR 703; 20 CFR 704; 20 CFR 718; 20 CFR 722; 20 CFR 725; 20 CFR 726; 20 CFR 727

Legal Deadline: None

Abstract: The Department of Labor has changed the title of its district office heads in its Division of Longshore and Harborworkers' Compensation and Division of Coal Mine Workers' Compensation. They were previously known as Deputy Commissioners and are now called District Directors. This change is made for administrative uniformity among all office managers within the three Office of Workers' Compensation Programs divisions and will have no effect on the authority of the office heads in their capacity as managers or as informal adjudicators.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shelby Hallmark, Deputy Director, Office of Workers', Compensation Programs, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3524, FP Building, Washington, DC 20210, 202 523-7503

RIN: 1215–AA51

1621. ● TRAINING WAGE PROVISIONS OF THE FAIR LABOR STANDARDS AMENDMENTS OF 1989

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 201 et seq

CFR Citation: 29 CFR 517

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that employers may pay employees under the age of 20, under certain conditions, a wage rate of at least 85 percent of the minimum wage, but not less that $3.35 per hour, for a period up to 90 days. An employee who has been paid at the training wage for 90 days can be employed by any other employer at the training wage an additional 90 days, but only if that employer provides on-the-job training in accordance with regulations required to be issued by the Department of Labor. The training wage provisions take effect April 1, 1990 and expire March 31, 1993. The statute provides that the Secretary of Labor shall issue regulations containing criteria for what qualifies as on-the-job training, and for defining what constitutes the requisite proof of previous periods of employment with other employers that is required to be provided by employees. Employers may rely on such proof of prior employment in good (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/90	55 FR 7450
Interim Final Rule Effective Date	04/01/90	55 FR 7450
Interim Final Rule Comment Period End	04/30/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: faith as a valid defense against a finding of violations. Interim final regulations will be issued to correspond with the statutory implementation of the training wage provisions while allowing for receipt of public comments. ESA plans to issue final regulations following review of the public comments received.

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA52

1622. ● FAIR LABOR STANDARDS AMENDMENTS OF 1989 AS APPLIED TO PUERTO RICO

Significance: Regulatory Program

Legal Authority: PL 101-157; 29 USC 206(c)

CFR Citation: 29 CFR 510

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that the increases in the Fair Labor Standards Act minimum wage applicable to the United States mainland will be phased in by industry for workers in Puerto Rico, with all employees becoming subject to the full mainland minimum wage level by April 1, 1996. Regulations will be issued to implement these provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/90	55 FR 12114
Interim Final Rule Effective Date	04/01/90	55 FR 12114

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel D. Walker, Acting Administrator, Wage and Hour Administration, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA57

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

1623. COMPENSATION PAYABLE UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

Legal Authority: 5 USC 8101 et seq; PL 100-566

CFR Citation: 20 CFR 10

Legal Deadline: None

Abstract: Public Law 100-566 (approved October 31, 1988) amended section 8112 of the Federal Employees' Compensation Act (FECA) by removing the ceiling on the amount of disability compensation payable (75 percent of the maximum rate of basic pay for GS-15) for employees who are injured during an assassination or assassination attempt against specified government officials, cabinet members and members of congress. The rule changes the regulation dealing with compensation rates to conform with the amendment.

Timetable:

Action	Date	FR Cite
Final Action	12/20/89	54 FR 52023
Final Action Effective	12/20/89	54 FR 52023

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Director, Office of Federal, Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW., Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA50

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1624. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Gilbert Apodaca, National Monitor Advocate, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW., Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA37

1625. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/90	
ANPRM Comment Period End	07/00/90	
NPRM	10/00/90	
NPRM Comment Period End	11/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Sectors Affected: 94 Administration of Human Resource Programs

Agency Contact: Dan Burkitt, Financial Management Specialist, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C5317, FP Bldg., Washington, DC 20210, 202 535-8762

RIN: 1205–AA43

DEPARTMENT OF LABOR (DOL) **Proposed Rule Stage**

Employment and Training Administration (ETA)

1626. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
NPRM Comment Period End	01/00/91	
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: monetary benefit aspects of the employee protection provisions.

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm C4514, FP Bldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA07

1627. ADVANCES UNDER TITLE XII, SSA, AND TAX CREDIT UNDER FUTA

Significance: Regulatory Program

Legal Authority: 42 USC 1321; 42 USC 1322

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment insurance and the repayment of such advances and interest thereon. Promulgation of comprehensive regulations is being undertaken in two phases. The proposed rule will replace instructions contained in several Unemployment Insurance Program Letters approved under OMB No. 1205-0199 expiring October 31, 1990. This action represents the second phase, governing States receiving and voluntarily repaying advances to their unemployment funds and paying interest in such advances. The final rule for the first phase, governing relief from automatic repayment and interest charges, was published in the Federal Register on September 26, 1988 (RIN 1205-AA14).

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	02/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4514, FP Building, Washington, DC 20210, 202 535-0309

RIN: 1205–AA65

1628. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to Section 212(a)(14) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(14)). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(14) of the INA (8 USC 1182(a)(14)). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification. Experience in (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
NPRM Comment Period End	07/00/90	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA66

1629. STATE AGENCY DISCLOSURE OF UNEMPLOYMENT INSURANCE WAGE AND CLAIM INFORMATION AS PROVIDED BY FEDERAL LAW

Significance: Regulatory Program

Legal Authority: 42 USC 503

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to make rules regarding the disclosure of unemployment insurance wage and claim information by State agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Virginia Chupp, Unemployment Insurance Program Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4512, FPBldg., Washington, DC 20210, 202 535-0200

RIN: 1205–AA74

1630. LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS (REVISION)

Significance: Regulatory Program

Legal Authority: 29 USC 50 The National Apprenticeship Act; 40 USC 276; 5 USC 3301

CFR Citation: 29 CFR 29 (Revision)

Legal Deadline: None

Abstract: ETA has undertaken a review of the Apprenticeship system to determine the role of apprenticeship in meeting America's future needs for a skilled work force. The Apprenticeship 2000 review, through research, review of existing materials and related programs, is considering alternative ways to strengthen and expand apprenticeship and related training programs. Existing regulations governing apprenticeship programs may be revised to: 1) improve the existing programs ability to produce skilled workers to meet demands in the industries where it is now prevalent; and 2) expand the apprenticeship concept of training to fill the needs for skilled workers in additional industries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James D. Van Erden, Administrator, Office of Work-Based Learning, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4649, FPBldg., Washington, DC 20210, 202 535-0540

RIN: 1205–AA77

1631. ● THE JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1990

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 630

Legal Deadline: None

Abstract: The legislation is intended to implement the anticipated amendments to the Job Training Partnership Act. The amendments are being revised to change the provisions of Titles I, II, IV and V of JTPA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment Period End	12/00/90	
Final Action Effective	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Hugh S. Davies, Chief, Division of Program, Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4703, FP Building, Washington, DC 20210, 202 535-0525

RIN: 1205–AA81

1632. ● LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: VARIOUS AMENDMENTS TO 20 CFR PART 655

Significance: Regulatory Program

Legal Authority: Section 301 of IRCA

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: Interim final H-2A regulations were published by DOL on June 1, 1987 comments received from the public and DOL operating experience have convinced DOL that amendments to the program's regulations are needed before final regulations should be published.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	10/00/90	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4456, FP Building, Washington, DC 20210, 202 535-0163

RIN: 1205–AA82

1633. ● LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: "FIFTY PERCENT RULE" COMPONENT OF REGULATIONS

Significance: Regulatory Program

Legal Authority: Section 301 IRCA

CFR Citation: 20 CFR 655

Legal Deadline: NPRM, Statutory, March 1990.

Abstract: The statute requires DOL to examine the effectiveness of the rule and to promulgate regulations to be effective June 1, 1990 determining whether the rule should be continued beyond that rule.

DOL—ETA — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4456, FP Building, Washington, DC 20210, **202 523-0163**

RIN: 1205–AA83

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Final Rule Stage

1634. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 301 Older Americans Act of 1965

CFR Citation: 20 CFR 674

Legal Deadline: Final, Statutory, May 5, 1985.
PL 98-459, Section 205(c)

Abstract: The final regulations will include revisions to incorporate legislative amendments to the Older Americans Act which were made in 1984 and 1987. The revised rule also will incorporate administrative and programmatic adjustments which will make the program consistent with other Departmental rules and policies.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Wilbert F. Solomon, Chief, Division of Older Worker Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4641, FPBldg., Washington, DC 20210, **202 535-0804**

RIN: 1205–AA29

1635. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Regulatory Program

Legal Authority: PL 100-207

CFR Citation: 20 CFR 625 (Revision)

Legal Deadline: Final, Statutory, May 21, 1989.

Abstract: Public Law 100-107 made substantial changes in the DUA programs. DUA will now be paid for up to 26 weeks after a major disaster is declared instead of up to 52 weeks. DUA will no longer be payable when an individual is eligible for State unemployment compensation or waiting period credit. An individual will now have up to 60 days to file an appeal of denial of a DUA claim and a Federal official must make a decision in 90 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/90	55 FR 550
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: In addition to updating the current regulations for law changes, the anticipated changes will provide for more efficient operation of the problem.

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room C4514, FP Bldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA50

1636. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19316
NPRM Comment Period End	06/05/89	54 FR 19316
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4508, FPBldg., Washington, DC 20210, **202 535-0550**

RIN: 1205–AA54

1637. ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM

Significance: Agency Priority

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 601; 29 CFR 96; 29 CFR 97; 29 CFR 98

Legal Deadline: None

Abstract: This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

Agency Contact: Mary Ann Wyrsch, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4231, FP Bldg., Washington, DC 20210, 202 523-7331

RIN: 1205–AA69

1638. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: PL 100-418, The Omnibus Trade and Competitiveness Act of 1988; Part 3 -- Trade Adjustment Assistance, of Subtitle D of Title I

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48474
NPRM Comment Period End	12/30/88	53 FR 48474
Final Action	11/00/90	
Final Action Effective	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin Fooks, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW., Room 6434, PH Bldg., Washington, DC 20213, 202 376-2646

RIN: 1205–AA72

1639. TITLE V OF THE JOB TRAINING PARTNERSHIP ACT JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE (JED!) BONUS PROGRAM

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 671

Legal Deadline: NPRM, Statutory, February 7, 1989. Final, Statutory, June 30, 1989.
The proposed regulations are to be published by February 7, 1989 and the final regulations in June 1989 as mandated by Section 510 (e) of Title V.

Abstract: These regulations will implement the above legislation as mandated by Section 510(e) of Title V as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/07/89	54 FR 50584
NPRM Comment Period End	02/05/90	54 FR 50584
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hugh Davies, Chief, Division of Program Development, and Interpretation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA75

1640. JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

Significance: Regulatory Program

Legal Authority: Family Support Act of 1988; PL 100-485

CFR Citation: 45 CFR 201 Subpart A

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.
The proposed regulations are to be published by April 13, 1989 and the final regulations in September 1989.

Abstract: The regulations will implement the above legislation enactment of the Family Support Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/19/89	54 FR 15902
NPRM Comment Period End	06/19/89	54 FR 15902
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Hugh Davies, Chief, Division of Program Development, and Interpretation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N4469, FP Building, Washington, DC 20210, 202 535-0580

RIN: 1205–AA76

1641. ● ATTESTATION PROCESS FOR HEALTH CARE FACILITIES SEEKING TO EMPLOY NONIMMIGRANT NURSES

Significance: Regulatory Program

Legal Authority: Section 212 of Immigration and Nationality Act

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: This regulation will amend Section 212 of the Immigration and Nationality Act by adding a new subsection governing the admission to the United States of nonimmigrant nurses during a five year period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/90	

DOL—ETA **Final Rule Stage**

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4456, FP Building, Washington, DC 20210, **202 523-0163**

RIN: 1205–AA84

DEPARTMENT OF LABOR (DOL) — Completed Actions
Employment and Training Administration (ETA)

1642. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite
Withdrawn. The current procedures for ETA review of JTPA (cont)	01/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: None

Additional Information: TIMETABLE CONT: audits are considered adequate by all parties. There is no need for regulatory changes in this area.

Agency Contact: David O. Williams, Administrator, Office of Financial and Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4671, FPBldg., Washington, DC 20210, **202 535-0690**

RIN: 1205–AA53

1643. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Other, Statutory, June 1, 1987.
IRCA required publication of interim final rule by June 1, 1987. This was accomplished.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16770
NPRM Comment Period End	05/19/87	52 FR 16770
Interim Final Rule	06/01/87	52 FR 20496
Combined with 1205-AA82	01/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA59

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage
Pension and Welfare Benefits Administration (PWBA)

1644. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiemployer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/08/80	45 FR 52824
Notice of Public Hearing on Previous	11/12/80	45 FR 74727
NPRM	02/00/91	

DOL—PWBA

Proposed Rule Stage

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW., Rm N5669, FPBldg., Washington, DC 20210, 202 523-7461

RIN: 1210–AA02

1645. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiemployer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/01/80	45 FR 51231
Notice of Public Hearing on Previous	11/12/80	45 FR 74728
NPRM	02/00/91	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW., Rm N5669, FPBldg., Washington, DC 20210, 202 523-7461

RIN: 1210–AA03

1646. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW., Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA19

1647. "TOP HAT" PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA21

1648. SUMMARY ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: 29 USC 1024

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA36

1649. ● CIVIL PENALTIES UNDER ERISA SECTION 502(L)

Significance: Regulatory Program

Legal Authority: 29 USC 1132

CFR Citation: 29 CFR 2570.80, Procedural; 29 CFR 2560.502(l)-l, Substantive

Legal Deadline: None

Abstract: Section 502(l) requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches or commits a violation of part 4 of Title I of ERISA, or any other person who knowingly participates in such breach or violation by any other person. In order to implement this statutory provision, the Department of Labor intends to promulgate two regulations. The first regulation is an interim rule setting for the procedures for the assessment of penalties under ERISA section 502(l) and for petitioning the Secretary to exercise his or her discretion to waive or reduce the mandated assessment. The second regulation is a proposed rule that defines the following pivotal terms contained in section 502(l): "applicable record amount", "breach of fiduciary

responsibility or violation", and "settlement agreement" or "court order."

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Interim Final Rule	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N4611, FP Building, Washington, DC 20210, 202 523-9590

RIN: 1210–AA37

1650. ● TIME AND MANNER OF NOTICE REQUIREMENT UNDER ERISA SECTION 101(D)

Legal Authority: 29 USC 1021

CFR Citation: 29 CFR 2520.101

Legal Deadline: None

Abstract: Section 101(d) provides that when an employer maintaining a plan other than a multiemployer plan fails to make a required installment or other payment required to meet minimum funding standards under section 302 to a plan before the 60th day following the due date, the employer shall notify each participant and beneficiary of such failure. Section 101(d) also provides that the notice shall be made at such time and in such manner as the Secretary shall provide. Because OBRA 1989 added section 502(c)(3) of ERISA to permit the imposition of substantial penalties upon employers who fail to give the notice required by section 101(d), there will be an increased need for regulatory guidance by the Secretary as to the time and manner in which notice under 101(d) must be provided.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA38

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1651. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW., Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA08

1652. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N4611, FP Building, Washington, DC 20210, 202 523-9590

RIN: 1210–AA15

1653. PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

DOL—PWBA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	05/18/88	53 FR 11886
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N5669 FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA25

1654. PROCEDURES FOR FILING AND PROCESSING APPLICATIONS FOR EXEMPTION FROM THE PROHIBITED TRANSACTION PROVISIONS OF ERISA, THE INTERNAL REVENUE CODE, AND FERSA

Significance: Regulatory Program

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: Final, Statutory, December 31, 1988.
FERSA only

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	06/28/88	53 FR 24422
NPRM Comment Period End	08/29/88	
Interim Final Rule	12/29/88	53 FR 52688
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ivan Strasfeld, Director of Exemption Determinations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Rm N5646, FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210–AA26

DEPARTMENT OF LABOR (DOL) **Completed Actions**

Pension and Welfare Benefits Administration (PWBA)

1655. FINAL BONDING RULES UNDER FERSA

Significance: Regulatory Program

Legal Authority: 5 USC 8478

CFR Citation: 29 CFR 2582

Legal Deadline: Final, Statutory, December 31, 1989.
Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1989 deadline for promulgating final bonding regulations under FERSA.

Abstract: FERSA Section 8478 requires the Secretary of Labor to promulgate regulations governing the bonding of fiduciaries and other persons who handle the funds or other property of the Thrift Savings Fund established under FERSA. The regulations set forth the required bonding procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/87	52 FR 35864
Final Action	12/29/89	54 FR 53607
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA31

DEPARTMENT OF LABOR (DOL) **Prerule Stage**

Office of Labor Management Standards (OLMS)

1656. LABOR ORGANIZATIONS WHICH MAY FILE SIMPLIFIED ANNUAL REPORTS

Legal Authority: 29 USC 431; 29 USC 438

CFR Citation: 29 CFR 403.4(a)

Legal Deadline: None

Abstract: This proposed regulation would allow labor organizations with less than $200,000 total annual receipts to file the annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959, as amended on the simplified Form LM-3 rather than the more detailed Form LM-2. The present regulations provide that only labor organizations with less than $100,000 total annual receipts may file the Form LM-3.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations, and Standards, Department of Labor, Office

DOL—OLMS **Prerule Stage**

of Labor Management Standards, 200 Constitution Avenue, NW., Room N5613, FP Building, Washington, DC 20210, 202 523-7373

RIN: 1294–AA05

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Prerule Stage

1657. NOISE STANDARD

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 76

Legal Deadline: None

Abstract: The problem of hearing impairment among miners has become of increasing concern to MSHA. Many miners are consistently exposed to noise levels that are near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairments, notwithstanding existing MSHA noise standards. MSHA intends to use comments and information submitted in response to the December 1989 ANPRM to develop a proposed rule which would establish similar noise standards to apply to coal mining and metal/nonmetal mining.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM	02/21/90	55 FR 6011
Extended Comment Period Close 6/22/90		
ANPRM Comment Period End	03/05/90	54 FR 50209

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA53

1658. CONFINED SPACES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 76

Legal Deadline: None

Abstract: This rulemaking would develop a performance-oriented standard to address the hazards of working in confined spaces. Many of these confined spaces work areas are not unique to mines and the hazards are identical to these confined space hazards that exist in general industry for which OSHA is preparing a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA54

1659. APPROVAL REQUIREMENTS FOR DETONATORS

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 16

Legal Deadline: None

Abstract: This standard would establish requirements for the MSHA testing, evaluation and approval of electric detonators for use in underground coal mines and certain metal and nonmetal gassy mines. At the present time there are no industry-wide standards to establish minimum performance requirements for detonators. Regulations governing the technical characteristics and performance of detonators would ensure compatibility for safe use with approved blasting units and approved explosives as required by underground coal mine standards. Some imported detonators that have entered the market during the past few years require an initiating current that exceeds the tested capacity of MSHA approved blasting units making them incompatible with approved blasting units. Other detonators tested by the Bureau of Mines showed reduced no-fire current levels which present a greater sensitivity to stray electrical current and could result in premature detonation.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50213
Extended Comment Period Until 3/16/90	01/22/90	55 FR 2212

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA64

1660. ● TRAINING FOR MINING CONSTRUCTION WORKERS AND INDEPENDENT CONTRACTORS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: Construction workers and independent contractors are often present on the mine property as a result of contractual agreements with the mine operator. Because of hazards inherent to their work or caused by association with mining activities, these workers need appropriate training to avoid accidents and injuries. MSHA is reviewing reports of mine construction and independent contractor fatalities and injuries. This review will help the Agency determine what training requirements are needed for these workers. The Federal Mine Safety and Health Act requires the Secretary to

DOL—MSHA

Prerule Stage

promulgate standards for training mine construction workers.

The regulation will affect persons performing construction work on mine property including shaft and slope sinking. Because construction workers and independent constractors generally work at multiple mine sites and have other similarities in training needs it is anticipated that independent contractor training will be addressed in a new Subpart C of 30 CFR Part 48.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA68

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1661. ● HOISTING AND TRANSPORTATION OF PERSONS AND MATERIALS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Transporting persons and material has traditionally been the second leading cause of fatal accidents in underground coal mines. The Agency, however, has very few mandatory standards addressing haulage hazards. The hoisting and transportation standards need to be updated to reflect advances in technology.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA12

1662. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: NPRM, Statutory.

This regulatory requirement is a Federal statutory provision. It implements Sections 103(d)(h) and (j) of the Mine Act.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA is reviewing its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The Agency is focusing on several aspects of the reporting requirements including the definitions and solicit suggestions from the public in this effort.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
Task Force Report Completed	03/03/86	
ANPRM	11/14/88	53 FR 45878
Extension of Comment Period until 02/17/89	12/29/88	53 FR 52727
ANPRM Comment Period End	01/13/89	
NPRM	10/00/90	
Final Action	12/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA33

1663. ● CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 100

Legal Deadline: None

Abstract: Under sections 105(c) and 110 of the Federal Mine Safety and Health Act of 1977, MSHA is required to assess a civil penalty for all violations of the Act and mandatory safety and health standards. In May 1982, MSHA issued revised civil penalty regulations that included a provision for assessment of $20.00 single penalty for non-significant-and-substantial (non-S&S) violations that are timely abated. In November 1989, the United States Court of Appeals for the District of Columbia ordered MSHA to revise its civil penalty regulations and take immediate interim steps to correct the assessment system. The Court retained jurisdiction of the case to consider the issues after its remand. On December 29, 1989, pursuant to the Courts order, MSHA (1) temporarily revised its assessment policies to instruct is field personnel to review non-S&S violations involving high negligence and an excessive history of the same type of violation for possible special assessment under 30 CFR 100.5; and (2) temporarily suspended the sentence in 30 CFR 100.3(c) which excludes timely paid single penalty assessments from an operator's history of violations for regular assessment (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: purposes. MSHA intends to develop a civil penalty proposal in order to formulate a permanent regulatory action in compliance with the court's order.

Agency Contact: Patricia Silvey, Director, Office of Standards, Variances and Regulations, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA44

1664. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the action necessary to protect their safety and health. In preparation of a proposed rule, MSHA has reviewed OSHA's hazard communication standard and information collected by NIOSH. MSHA anticipates pursuing a performance-oriented approach that will allow employees the flexibility to develop appropriate individual programs tailored to their particular workplace conditions.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	05/00/90	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA47

1665. REFUSE PILE AND IMPOUNDMENT INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.215

Legal Deadline: None

Abstract: This rulemaking would address whether recordkeeping burdens could be reduced in 30 CFR Part 77 standards which address refuse piles and impoundments structures. In addition the proposal would address inspection and abandonment procedures for impoundment structures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA49

1666. NEWLY EMPLOYED EXPERIENCED MINER AND SUPERVISOR TRAINING

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48.2(b); 30 CFR 48.22(b); 30 CFR 48.6; 30 CFR 48.26

Legal Deadline: None

Abstract: MSHA is proposing to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for nine miners hired after October 13, 1978, has completed new miner training. MSHA is proposing to strengthen the training requirements for experienced miners by adding course requirements. Also, MSHA is proposing to delete the supervisory personnel exemption from the training requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA55

1667. APPROVAL OF ELECTRIC CABLES AND SPLICE KITS

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing 30 CFR Part 18 specifications and test requirements for the approval of electric cables and incorporate a new requirement for the approval of cable splice kits as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria, establish minimum standards for the material used to repair cables, and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA57

1668. APPROVAL OF INTRINSICALLY SAFE BATTERY-POWERED DEVICES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of intrinsically safe battery-powered devices as a subpart to 30 CFR part 7. Under part 7, testing would be done by the applicant or a third party, subject to

agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA59

1669. APPROVAL OF EXPLOSION-PROOF ENCLOSURES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing 30 CFR Part 18 specifications and test requirements for the approval of explosion-proof enclosures as a subpart to 30 CFR part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA60

1670. APPROVAL OF ELECTRIC MOTOR ASSEMBLIES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to add a new subpart 7 and revise existing 30 CFR Part 18 specifications and test requirements for the approval of electric motor assemblies. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA61

1671. FLAME TEST OF CONVEYOR BELTING AND HOSE

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: Conveyor belts are the leading cause of fires in underground coal mines. These mines often use many miles of conveyor belts. The remote location of the belts can allow fires to start and spread to the coal before they are detected. MSHA has developed a new more stringent test to evaluate the flame-resistance of conveyor belts. Belts passing the revised test would be resistant to ignition and to flame propagation. This proposal would revise the current approval regulations and require compliance with the test.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA65

1672. BLASTING UNITS FOR METAL AND NONMETAL MINES WITH METHANE

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: The proposal would revise existing Part 57, Subpart T safety standards for methane in metal and nonmetal mines for explosive materials and blasting units by deleting the reference to 30 CFR Part 25 in Section 57.22606(g)(1). The standard would then reference blasting units approved by MSHA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA66

1673. ● WATER, SEDIMENT OR SLURRY IMPOUNDMENTS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57; 30 CFR 56

Legal Deadline: None

Abstract: In the January 26, 1988 Report of Progress to Implement Federal Guidelines for Dam Safety made by MSHA to the Federal Emergency Management Agency, MSHA's inventory of dams associated with metal/nonmetal mining operations showed a total of 550 dams. Thirty-six of these dams were given a high hazard classification based primarily on the U.S. Corps of Engineers classification system. Thirty-three were classified moderate hazards. A high hazard classification indicates there is a potential for loss of life or property damage downstream due to the floodwater released as a result of dam

DOL—MSHA **Proposed Rule Stage**

failure, or upstream of the dam from the effects of rim slides.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA69

1674. ● WATERLINES IN BELT CONVEYOR ENTRIES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1100-2(b)

Legal Deadline: None

Abstract: Current regulations require waterlines be installed along all belt conveyors with nozzles installed at least every 300 feet. Potential firefighting problems exist, however, when air used to ventilate belt conveyor entries moves in an outby direction. Waterlines that are installed in belt entries where air is moving outby would be exposed to the fire outby the area where water is needed. Heat from the fire could melt or otherwise damage the waterline, necessitating the installation of a separater waterline around the fire delaying the firefighting effort. The National Fire Protection Association (NFPA) in its current committee proposal states that the operator can install waterlines in any entry and recommends that the water flowing through the lines be in the same direction as the ventilating air current. MSHA proposes to revise the current regulations pertaining to waterlines for underground belt conveyors to require installation similar to that proposed by the NFPA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA70

1675. ● BOILER AND PRESSURE VESSEL INSPECTIONS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: The existing standard requires that compressed-air receiver and other unfired pressure vessels be inspected by inspectors holding a valid National Board Commission issued by the National Board of Boiler and Pressure Vessel Inspectors. The standard also incorporates by reference the National Board Inspection Code, a manual for Boiler and Pressure Vessel Inspectors, 1979 and requires that the records of these inspections be kept in accordance with the National Board Inspection Code. The Agency intends to review this standard to determine whether qualified individuals other than those Board certified can be allowed to perform these inspections without reducing miners' safety, whether the incorporations of the Code by reference is appropriate, and what is the appropriate format for the results of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA71

1676. ● CARBON MONOXIDE MONITOR APPROVAL

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 12

Legal Deadline: None

Abstract: The use of carbon monoxide monitoring systems in underground coal mines can be effective in monitoring mine atmospheres to detect fires in the early stages of development. If mine operators are dependent on these systems for early fire detection, minimum performance criteria are necessary to ensure proper performance. The Agency intends to propose approval requirements for these systems for use in underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA72

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

1677. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None

Abstract: This rulemaking would implement section 104(e) of the Federal Mine Safety and Health Act of 1977 which addresses mines with a pattern of repeated, significant and substantial violations. The final rule will include both appropriate criteria and a meaningful procedure for identifying operators who are potential pattern violators. The costs of the regulations would primarily bear upon individual

mine operators receiving pattern notices. Any costs that the mine operator would incur to comply with other Federal standards would be attributed to those standards. The primary benefit of the pattern of violators provisions would accrue to workers at mines where the mine operator has shown a disregard for their safety and health by allowing the same work hazards to repeatedly occur without addressing the underlying problems. Hearings were held in November 1989.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	05/30/89	54 FR 23156
Extension of Comment Period to 08/31/89	06/20/89	54 FR 117
NPRM Comment Period End	07/31/89	
NPRM Comment Period Closed 12/22/89	12/08/89	54 FR 50730
Final Action	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA04

1678. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None

Abstract: MSHA's proposal would substantially reorganize, clarify, and update existing electrical standards for underground coal mines. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to underground coal mining operations. The proposal addresses a wide range of hazards related to the use of electric-powered equipment. In developing the proposal MSHA analyzed: (1) accident and injury data to determine the causes and rate of accidents involving electricity and the need to revise standards to prevent future accidents; (2) variances granted to determine whether alternative methods of compliance could be included in the standards; (3) nationally recognized consensus standards, including the National Electrical Code, for applicability to underground coal mines; and (4) litigation cases related to the Agency's enforcement efforts to determine where clarified standards could improve compliances, (5) public comments submitted on the Agency's 1986 ANPRM on underground electrical standards.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	12/04/89	54 FR 50062
Comment Period Extended to 8/10/90	02/20/90	55 FR 5858
NPRM Comment Period End	03/09/90	54 FR 50062
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA10

1679. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None

Abstract: The Agency published a proposed rule concerning ventilation in underground mines which included provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues include ventilation of worked-out areas: timeframes for tests for methane. In August 1989, MSHA issued a report on belt conveyor entry ventilation and requested comments on the findings of the report as they related to the ventilation proposal. The existing escapeway standards contained in 30 CFR Part 75.1704 are incorporated into the proposal.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	08/19/88	53 FR 26449
Belt Entry Report Comment Period Ended 2/9/90	08/25/89	54 FR 48117
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during June 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA11

1680. REVIEW OF METAL AND NONMETAL ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None

Abstract: The electrical standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. MSHA's proposal would eliminate general incorporations by reference of the National Electric Code and replace them with standards specifically applicable to metal and nonmetal mining and mills. The proposal would also substantially clarify and update the existing standards and would include technological advances in mine electrical systems.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	12/04/89	54 FR 50158
Comment Period Extended to 6/15/90	02/09/90	55 FR 4624
NPRM Comment Period End	03/09/90	54 FR 50158
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA14

1681. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: On November 18, 1988, the Mine Safety and Health Administration (MSHA) published a final rule (53 FR 46768) to revise its safety standards for explosives and blasting in underground coal mines. Prior to the effective date, MSHA stayed 30 CFR 75.1325(b) which restricts blasting to only one face in a working place to allow further review of single versus multiple face blasting. MSHA's proposed rule would allow multiface blasting under limited conditions; recognize an alternative method of giving experience for blasting certification; and clarify a provision concerning precautions to be taken with electrical equipment in blasting areas.

Timetable:

Action	Date	FR Cite
Stay of Final Rule Provision	01/13/89	54 FR 1360
NPRM	12/08/89	54 FR 50714
Extended Comment Period to 3/16/90	01/22/90	55 FR 2204
NPRM Comment Period End	02/16/90	54 FR 50714
Final Action	11/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Final date is based on court decision

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA16

1682. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None

Abstract: The explosives standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. These standards would be clarified and modified as appropriate to insure safety of miners, and updated, consistent with technological advances such as gaseous initiation systems, miniaturized detonating cord systems and the use of bulk mixing of explosives materials. Hearings were held in April 1989.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	11/10/88	53 FR 45487
Extension of NPRM Comment Period to 02/10/89	12/05/88	53 FR 48934
NPRM Comment Period End	01/09/89	
Final Action	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public Hearings were held in April 1989

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA17

1683. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None

Abstract: MSHA has an established mining equipment approval program which includes evaluation criteria and corresponding safety standards requiring the use and maintenance of approved equipment. However, existing approval regulations do not generally apply to the diesel-powered equipment now being used in coal mines. In July 1988 an Advisory Committee convened by the Secretary of Labor made recommendations to the Secretary concerning standards for the use of diesel-powered equipment in underground coal mines. Based on those recommendations, MSHA has published a proposed rule that addresses the approval of components and standards for its use, including monitoring requirements for certain diesel emissions. The Advisory Committee also recommended that an approval program be established for equipment safety features beyond the basic engine and power package. These features could include such components

as the fuel system, exhaust gas dilution system, electrical system, braking system and fire suppression system. With the proposal, MSHA published an ANPRM requesting comment on what approach should be taken on the recommendations.

Timetable:

Action	Date	FR Cite
Establishment of Advisory Committee	10/06/87	52 FR 37381
Notice of Appointment of Committee Members and Notice of First Meeting	01/05/88	53 FR 00189
Committee Delivered Recommendations	07/27/88	
ANPRM	10/04/89	54 FR 40950
NPRM	10/04/89	54 FR 40950
Extended Comment Period - ANPRM Until 2/2/90	12/28/89	54 FR 53328
Extended Comment Period - NPRM Until 7/6/90	12/28/89	54 FR 53328
ANPRM Comment Period End	01/02/90	54 FR 40950
NPRM Comment Period End	01/02/90	54 FR 40950
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Patricia W. Silvey**, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA27

1684. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None

Abstract: MSHA is reviewing its radiation standards for underground metal and nonmetal mines and has identified certain issues with respect to regulatory action. The Agency published a proposal in December 1986 revising its existing ionizing radiation standards. Public hearings were held in August 1987. Extensive testimony was presented during the public hearings. The rulemaking also takes into account the receipt of the NIOSH criteria document in October 1987 and recently promulgated EPA regulations concerning underground emissions of radionuclides.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Patricia W. Silvey**, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA28

1685. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which would not be allowed by the existing regulations. NIOSH will have the lead role in approval of respirators. MSHA will be involved with the devices which are uniquely adapted or required for mining. A proposed rule was published in August 1987. However, further rulemaking is contingent upon NIOSH's timetables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32313
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Completion of MSHA's final rule is contingent upon NIOSH's completion of parallel rulemaking.

Agency Contact: **Patricia W. Silvey**, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-1910**

RIN: 1219–AA30

1686. RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 44

Legal Deadline: None

Abstract: On July 10, 1987, the United States Court of Appeals for the District of Columbia invalidated the Agency's existing interim relief regulation based in part, on procedural defects, holding that it was contrary to Congressional intent. (Int. Union v. MSHA, 823 F. 2d 608 (D.C. Cir. 1987)). MSHA subsequently issued a proposal addressing the Court's ruling and adding timeframes for consideration of petitions at all stages of review. Public hearings were held in November 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19492
Extension of Comment Period Until 08/07/89	06/28/89	54 FR 123
NPRM Comment Period End	07/05/89	
Extended Comment Period Closed 12/22/89	12/08/89	54 FR 50730
Final Action	09/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Patricia W. Silvey**, Director, Office of Standard, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA45

DOL—MSHA

Final Rule Stage

1687. AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 90

Legal Deadline: None

Abstract: MSHA's proposed rule incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and coal mines. The proposal solicits comments on updating permissible exposure limits and methods of controlling such limits. Permissible exposure limits and standards for use of respiratory protective equipment would replace outdated incorporations by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring; precautions for handling restricted-use chemicals; notification to workers of overexposure; miner access to exposure monitoring records; medical surveillance and transfer of miners required to use respirators and miners using certain carcinogens.

Timetable:

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35760
Comment Period Extended to 3/2/90	10/19/89	54 FR 43026
NPRM Comment Period End	11/27/89	54 FR 35760
Comment Period Extended to 3/2/90; 6/1/90; 8/24/90	01/25/90	55 FR 2536
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This regulation combines 1219-AA21, 1219-AA41, and 1219-AA46.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA48

1688. SAFETY STANDARDS FOR BERMS AND GUARDRAILS AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: On August 25, 1988 the Mine Safety and Health Administration (MSHA) amended its standard addressing the use of berms and guardrails on elevated roadways at metal and nonmetal mines. However, MSHA stayed the provision which allows an alternative to the use of berms or guardrails on elevated roadways for infrequently traveled roadways used by service or maintenance vehicles. MSHA's proposed rule addressed safety requirements necessary for such limited use roadways when berms or guardrails are not used.

Timetable:

Action	Date	FR Cite
NPRM	08/23/89	54 FR 35152
NPRM Comment Period End	10/23/89	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA56

1689. SAFETY STANDARDS FOR ROOF, FACE AND RIB SUPPORT

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.206(a)

Legal Deadline: None

Abstract: On January 27, 1988 (53 FR 2354), MSHA published final rules revising its safety standards for roof, face, and rib support in underground coal mines. The final rule will address whether section 75.206(a) of these standards should exempt anthracite mines from entry width and roadway support requirements when conventional roof support is used. The requirement remains in effect, however, for bituminous coal mines.

Timetable:

Action	Date	FR Cite
NPRM	07/20/89	54 FR 30510
NPRM Comment Period End	09/18/89	
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA58

1690. INFORMATION COLLECTION REQUIREMENTS FOR MINE RESCUE EQUIPMENT TEST AND INSPECTION; SCSR INSPECTION RECORDS; RECORDS OF FIRE DRILLS; AND FIRST AID TRAINING FOR SUPERVISORY EMPLOYEES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 49; 30 CFR 75.1101 to 23; 30 CFR 75.1713-3; 30 CFR 75.1714-3; 30 CFR 77.1703

Legal Deadline: None

Abstract: These proposed rules would reduce the information collection burden imposed by MSHA on mine operators or other affected parties by revising reporting and recordkeeping requirements. In most cases, paperwork requirements would be replaced with certification provisions. This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 49.6(b) which requires records of monthly inspections and tests of mine operators and equipment operators and one year; in 30 CFR 75.1714-3 which requires records of quarterly inspections and tests of self-contained self-rescue devices; in 30 CFR 75.1101-23(c)(1) which requires records of the participation of coal miners in quarterly fire drills and in 30 CFR 75.1713-3 and 77.1703 which concern first-aid training courses for selected supervisory employees.

Timetable:

Action	Date	FR Cite
NPRM	11/20/89	54 FR 48062
NPRM Comment Period End	01/26/90	54 FR 48062

DOL—MSHA **Final Rule Stage**

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA67

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)
Completed Actions

1691. MULTIPLE-SHOT BLASTING UNITS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 25

Legal Deadline: None

Abstract: The final rule implementing new procedures and requirements for testing and approval of multiple-shot blasting units now published November 21, 1989, as Subpart D to Part 7. Under the rule, testing of blasting units will be performed by either the applicant or a third party pursuant to specific test procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	49 FR 23281
NPRM	06/22/88	53 FR 23506
NPRM Comment Period End	08/22/88	
Final Action	11/21/89	54 FR 48202
Final Action Effective	01/22/90	54 FR 48202

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The review of 30 CFR 25 was originally listed in the Agenda in 1984. In the October 1985 Agenda, MSHA consolidated the Review of Part 25 under 1219-AA16. A proposal was published June 22, 1988 which revises 30 CFR 25 and combines it as a subpart of 30 CFR 7.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA42

1692. ROOF BOLTS AND ROOF SUPPORT REMOVAL

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.204(a); 30 CFR 75.204(b); 30 CFR 75.213

Legal Deadline: Final, Statutory, February 15, 1990.

Abstract: On January 27, 1988, the Mine Safety and Health Administration published a final rule for safety standards for roof, face and rib support in underground mines. Three of the final standards were challenged by the United Mine Workers of America (UMWA), in the case of International Union, Petitioner, v. Secretary of Labor, 870 F 2d 662 (D.C. Cir., 1989). In an opinion issued on March 10, 1989, the Court upheld one of the new standards and invalidated two, 30 CFR 75.204(a) and (b) and 30 CFR 75.213. By subsequent order May 17, 1989 the court vacated the two standards effective February 15, 1990. The final rule addresses the Court's concerns on these standards which relate to roof bolts and roof support removal.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36106
NPRM Comment Period End	10/06/89	
Final Action	02/08/90	55 FR 4592
Final Action Effective	02/15/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA63

DEPARTMENT OF LABOR (DOL)
Office of the Assistant Secretary for Administration and Management (OASAM)
Proposed Rule Stage

1693. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 15 USC 3151; 20 USC 1681 to 1683; 20 USC 1685; 20 USC 1686; 29 USC 794; 29 USC 1551; 29 USC 1574; 29 USC 1577; 29 USC 1579; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4

CFR Citation: 29 CFR 31

Legal Deadline: Final, Statutory, September 12, 1979.
Regulations to implement the ADA were required as of 09/12/79 and to implement JTPA as of 10/01/83. The regulation must be coordinated with DOJ pursuant to Executive Order 12250, (cont)

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

DOL—OASAM **Proposed Rule Stage**

Public Compliance Cost: Initial Cost: $0

Sectors Affected: None

Additional Information: LEGAL DEADLINE CONT: with EEOC pursuant to E.O. 12067, and with the Office of Management and Budget pursuant to E.O. 12291, prior to publication as an NPRM.

Agency Contact: Annabelle T. Lockhart, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW., Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291–AA02

DEPARTMENT OF LABOR (DOL) — Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1694. ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on governmental grantees will be amended to incorporate non-governmental grants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Rm S1522, FP Bldg., Washington, DC 20210, 202 523-8904

RIN: 1291–AA15

1695. DOL ADOPTION OF COMMON RULE IMPLEMENTING DRUG-FREE WORKPLACE - NONPROCUREMENT

Significance: Agency Priority

Legal Authority: EO 12549; Section 5151-5160 of the Drug-Free Work Place Act of 1988; PL 100-690 Title V, Subtitle D; 5 USC 552 to 556

CFR Citation: 29 CFR 98

Legal Deadline: Final, Statutory, April 30, 1989.
The President signed the Drug Act into law on November 18, 1988. The act requires final rules within 90 days and effective date within 120 days.

Abstract: This final action is the DOL adoption of common rules that implement the Drug-Free Work Place Act of 1988. The new regulations will be housed in the DOL regulations at 29 CFR Part 98, Suspension and Debarment - Nonprocurement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule Effective	03/18/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW., Room S1522, FP Building, Washington, DC 20210, 202 523-9174

RIN: 1291–AA17

DEPARTMENT OF LABOR (DOL) — Prerule Stage

Occupational Safety and Health Administration (OSHA)

1696. MANUAL LIFTING (PARTS 1910, 1915, 1917, 1918, 1919, 1926 AND 1928)

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information on Manual Lifting-Related Injuries	10/02/86	51 FR 35241
Reopening of Comment Period and Expansion of Scope	04/17/87	52 FR 12559

Next Action Undetermined

Small Entities Affected: Undetermined

DOL—OSHA

Prerule Stage

Government Levels Affected: None

Sectors Affected: All

Additional Information: The Agency has determined that it will establish an interagency work group within the Department to seek more information in the area of manual lifting. Rulemaking is, therefore, not scheduled to begin immediately.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA95

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1697. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, it is time for OSHA to review and modernize the carcinogen policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on Stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay Published	01/04/83	48 FR 241
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA01

1698. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period on Preproposal Draft Ends	11/29/85	
NPRM	06/00/90	
Final Action	12/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

1699. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 20, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards, OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These

letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (cont)

Timetable:

Action	Date	FR Cite
Notice of Partial Admin. Stay	10/17/86	51 FR 37002
Extension of Partial Admin. Stay	04/30/87	52 FR 15722
Extension of Partial Admin. Stay	07/20/88	53 FR 27345
NPRM	02/12/90	55 FR 4938
NPRM Comment Period End	04/09/90	55 FR 4938
Final Action	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite. The temporary stay will remain in effect until OSHA completes the evaluation of the comments and reaches a final decision.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA26

1700. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing. OSHA is reevaluating its proposed rule based on the public record and intends to reissue a proposed rule as the next action. Currently, OSHA is reviewing recent fatality and injury data trends to evaluate the priority of this project.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru 08/10/84	08/10/84	49 FR 9913

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA34

1701. BENZENE EXPOSURE IN BARGE/TANKER CLEANING AND REPAIR

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-2); 29 CFR 1910.1028

Legal Deadline: None

Abstract: OSHA has amended its standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's determination that the amendments are needed to reduce the risk of leukemia and other adverse health effects associated with occupational exposure to benzene. OSHA published its final amendment to the standard on September 11, 1987. Due to technical problems associated with the completion of a detailed study of feasibility in barge and tanker cleaning and repair operations, however, OSHA exempted these operations from certain provisions of the standard. OSHA intends to issue a proposal to amend the benzene standard which will address the factors specific to the barge and tanker cleaning and repair industry.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice Changing Public Hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public Hearings	03/11/86	50 FR 50512
Final Action	09/11/87	52 FR 34460
Final Action Effective	12/10/87	
NPRM on Barge/Tanker Cleaning and Repair Operations	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA47

1702. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart I)

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for

personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

1703. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards of cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	08/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605 FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA56

1704. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 26 Paper and Allied Products

Additional Information: The Agency has determined that no further action be taken due to a priority reassignment of resources leading to the completion of a generic standard having a direct affect on the pulp, paper and paperboard mills standard.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA61

1705. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: This action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, holting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revised fall protection requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	06/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA65

1706. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q sinc its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into lin with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

1707. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: The present occupational health standard for formaldehyde was published on December 4, 1987 (52 FR 46168). In this standard, the Occupational Safety and Health Administration (OSHA) required hazard warning labels to be placed on containers of all products composed of greater than 0.1 percent formaldehyde or capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm. Material safety data sheets, prepared in accordance with paragraph (g) of the Hazard Communication Standard (29 CFR 1910.1200), were also required. On December 2, 1987, the Formaldehyde Institute filed an Application for Administrative Stay of the Formaldehyde Standard's cancer labeling requirement. On November 8, 1988, OSHA requested comments on whether to grant a petition for administrative stay of these provisions and whether to institute additional rulemaking. Based primarily on the comments received, OSHA stayed the provision at 29 CFR 1910.1048 (m)(l)(i) through (m)(4)(ii) for a period of (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: nine months, commencing December 13, 1988 (53 FR 50198). On August 29, 1989, (54 FR 35639) OSHA extended the administrative stay until June 13, 1990, to consider further developments in the hazard communication rulemaking in determining what regulatory action to propose on formaldehyde. Based on public comment and the rulemaking record, OSHA will promulgate revised hazard communication provisions for formaldehyde.

Agency Contact: Charles E. Adkins, Director, Health Standards Program, Occupational Safety and Health Admin., Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AA82

1708. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-1)

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA83

1709. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA will use the information received in response to the ANPRM, as well as other information and analysis, to prepare a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	08/00/90	

Small Entities Affected: Undetermined

DOL—OSHA

Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA84

1710. GEAR CERTIFICATION (PART 1919)

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None

Abstract: In its May 7, 1987, Federal Register notice the Agency requested information to assist in the possible revision of 29 CFR Part 1919. Part 1919, entitled "Gear Certification," implements requirements located in each of OSHA's maritime standards which cover work carried out within the Federal maritime jurisdiction. Changes in the design and composition of cargo handling gear which have evolved since these rules were last amended (1969) provided questions as to the efficacy of the current rules. Additionally, the Agency sought comments that would suggest ways in which the administrative function of the accreditation program could be improved. Comment period ended: August 5, 1987.

Timetable:

Action	Date	FR Cite
Request for Information	05/07/87	52 FR 17302
Comment Period Closed	08/05/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 37 Transportation Equipment; 44 Water Transportation

Additional Information: The Agency has determined, based on input to its "Request for Comments and Information," that minor revision to Gear Certification (Part 1919) is necessary.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA97

1711. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an Advance Notice of Proposed Rulemaking on November 24, 1986 (51 FR 42257).

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

1712. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37595) to acquire additional information. OSHA also intends to review its compliance experience with medical surveillance provisions and seek experienced medical opinion in the form of a symposium or other public discussion.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB00

1713. EXPOSURE ASSESSMENT PROGRAMS FOR EMPLOYEES EXPOSED TO HAZARDOUS CHEMICALS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table

permissible exposure limits of 29 CFR 1910.1000 (General Industry) in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions to determine the appropriateness of generic exposure monitoring provisions.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB01

1714. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1218-AB04 will be issued concurrently with 1218-AA48.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB04

1715. CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, (Table Z-2)

Legal Deadline: None

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. On September 26, 1988, OSHA published guidelines for controlling exposure to cadmium and recommended reduced exposure levels significantly below the permissible exposure limit.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	02/06/90	55 FR 4052
NPRM Comment Period End	04/27/90	
Final Action	07/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB16

1716. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart H)

Legal Deadline: None

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in three phases in an expanded timeframe. The three phases will be (1) Process Hazards Management, (2) Flammable and Compressed Gases, and, (3) Hazardous Liquids. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 38108
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and

Combustible Liquids (Part 1910)" and will also include the process hazards management of highly hazardous chemicals.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB20

1717. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision will involve the promulgation of 16 maritime subparts and their 1910 counterparts. Its completion will relieve shipyard owners from the burden of having to comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA has established an Advisory Committee to assist the agency in reviewing and revising these subparts. Experts from government, industry, unions and the states will be asked to work with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB22

1718. ● RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Significance: Regulatory Program

Legal Authority: Occupational Safety and Health Act, Section 8(c)(2) and 24(a)

CFR Citation: 29 CFR 1904.1 to .22

Legal Deadline: None

Abstract: The Occupational Safety and Health Act and 29 CFR 1904 require covered employers to record all work-related fatalities, illnesses and certain injuries; and report summary data if selected to participate in the BLS annual survey. Concerns about the reliability and utility of the data currently available have been raised by Congress, BLS, OSHA, NIOSH, the National Academy of Sciences, the GAO and representatives of business and labor. This regulatory requirement is a Federal statutory provision. It implements Sections 8(c)(2) and 24(a) of the OSH Act. For those States that operate their own safety and health plan under the OSHA, 29 CFR 1952.4 prescribes that they adopt recordkeeping and reporting regulations which are substantially identical to 29 CFR 1904. Thus, Federal regulation provides a comprehensive framework consistent with the statutory purposes. BLS and OSHA have tested several data collection vehicles and procedures and are revising the recordkeeping guidelines to improve the usefulness of the survey outputs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Frank Frodyma, Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3641, FP Building, Washington, DC 20210, 202 523-8021

RIN: 1218–AB24

1719. ● ASBESTOS (REMAND)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 20, 1986, OSHA published revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and construction. In these standards, OSHA reduced the 8-hour time weighted average (TWA) permissible exposure limit (PEL) to 0.2 f/cc, and established other protective provisions. This standard was legally challenged, and as a result, the Court of Appeals for the District of Columbia upheld the standard except that the court held that OSHA must reconsider several of the standard's provisions to determine if more protective regulatory provisions are available to reduce risk. One of the issues to be reconsidered was the need for a short-term limit for occupational exposure to asbestos in response to the Court's directive. This limit was established as 1 f/cc averaged over a 30-minute sampling period and a legal notification of this amendment was published on September 14, 1988, at 53 FR 35610. (cont)

Timetable:

Action	Date	FR Cite
Asbestos Remand - Category I Issues	12/20/89	54 FR 52024
Asbestos Remand - Category II Effective Date 5/7/90	02/05/90	55 FR 3724
Asbestos Remand - Category II Issues	02/05/90	55 FR 3724
Asbestos Remand - Category III	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: On December 20, 1989 (54 FR

52024) OSHA responded to the first three remand issues. OSHA deleted the ban on spraying asbestos containing materials; amended the regulatory text to clarify when construction employers must resume periodic monitoring; and explained why OSHA is not amending the regulatory text to clarify the limited exemption for "small-scale, short-duration operations" in the construction industry standard. OSHA published a notice of its resolution of Category II remand issues on February 5, 1990, and a notice of proposed rulemaking for Category III by April 1990.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB25

1720. PEL UPDATE PROPOSAL FOR CONSTRUCTION, MARITIME AND AGRICULTURE

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The permissible exposure limits (PELS) promulgated by OSHA in 1971 do not reflect current knowledge of the health effects of many toxic substances. OSHA published a proposal on June 7, 1988 (53 FR 20960) to amend and expand the PELs for general industry. On January 19, 1989 OSHA set new PELs for the toxic substances originally covered in 1971 and covered new substances in a single rulemaking that applied to general industry. OSHA now plans to update the old PELs for construction, maritime, and agricultural sectors not covered by the general industry proceeding. The PELs for these sectors are outdated: the construction industry (29 CFR 1926) references the 1970 ACGIH TLVs; the maritime industry cites three different references--29 CFR 1918 (longshoring), "dangerous gaseous contaminants not immediately dangerous to life" and "heavy concentrations of dusts." In addition, in the agricultural section, OSHA will consider chemicals and pesticides that are currently regulated by EPA. As a result of this rulemaking, OSHA expects that a unified table of PELs for toxic substances will be adopted for all industries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB26

1721. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.121, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. The final standard was issued on March 6, 1989. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	55 FR 2776
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FPBuilding, Washington, DC 20210, 202 523-8061

RIN: 1218–AB27

1722. VEHICLE SAFETY

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1928.58

Legal Deadline: None

Abstract: OSHA currently has no general regulation requiring that employers train their employees in the safe operation of motor vehicles on the job, including the required use of seat belts, although motor vehicle crashes are the single largest cause of occupational fatalities. On-the-job motor vehicle crashes, in both on-road and off-road vehicles, caused over 30 percent of traumatic work-related fatalities in 1987. In the manufacturing sector, which is the primary target of most OSHA regulations, more workers are killed by motor vehicles than by fixed machinery. The hazards faced by workers operating automobiles and trucks, both on public highways and at private facilities, could be greatly reduced by requiring employers to train their employees in safe driving techniques, including the required use of seat belts. OSHA plans to proceed with a single NPRM that would regulate all employers covered by the OSH Act. The approach will be to develop a generic, performance-oriented standard. Various state regulations (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: governing the use of seat belts, and related studies will be considered in this proposal. OSHA expects that the regulation could prevent as many as 926 fatalities each year.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health

Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB28

1723. ● FORMALDEHYDE (REMAND)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a revised standard for occupational exposure to formaldehyde, 29 CFR 1910.1048. This standard contained permissible exposure limits of 1 part formaldehyde per million parts of air (ppm) as an 8-hour time-weighted average (TWA) and 2 ppm as a 15-minute short-term exposure limit (STEL), along with ancillary provisions. Several interested parties petitioned the courts to review this standard, and on June 9, 1989, the United States Court of Appeals for the District of Columbia Circuit issued a decision. The Court remanded the standard back to the Agency for reconsideration of two issues: the assessment of the risk of cancer at 1ppm, and the failure of the Agency to require medical removal protection (MRP). (cont)

Timetable:

Action	Date	FR Cite
Formaldehyde Remand Issues	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: OSHA is conducting a reanalysis of the cancer risk assessment for formaldehyde. The Agency is also examining the feasibility of various risk management options, including MRP, as well as a reduction of the PEL, if necessary. Based on the results of this reanalysis and the rulemaking record, OSHA will possibly amend the formaldehyde standard.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3718, FP Bldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB29

1724. ● CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT)—CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy could cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or equipment that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB30

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1725. ETHYLENE DIBROMIDE (EDB)

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public Hearing Held	02/08/84	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

1726. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

DOL—OSHA

Final Rule Stage

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702; 29 CFR 1926.703; 29 CFR 1926.704; 29 CFR 1926.705; 29 CFR 1926.706

Legal Deadline: None

Abstract: A final rule for concrete and masonry construction was published in the Federal Register on June 16, 1988. However, the record was reopened to allow information and evidence obtained from the investigation of a recent major accident to be included in the record pertaining to lift-slab operations. Revised lift-slab rules were then proposed (September 15, 1988).

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/08/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action (Except Lift-Slab)	06/16/88	53 FR 22612
Final Action Effective Date (Except Lift-Slab)	08/15/88	53 FR 22612
NPRM -- Reproposal of Lift-Slab Rules	09/15/88	53 FR 35972
NPRM Public Comment Period End -- Reproposal of Lift-Slab Rules	11/14/88	
Final Action on Lift-Slab Rules	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA20

1727. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	06/05/89	54 FR 23991
NPRM Comment Period End	10/03/89	
Final Action	05/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA28

1728. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331; 29 CFR 1910.332; 29 CFR 1910.333; 29 CFR 1910.334; 29 CFR 1910.335; 29 CFR 1910.399; 29 CFR 1910.26(c)(3)(iii); 29 CFR 1910.67(b)(4); 29 CFR 1910.68(b)(4); 29 CFR 1910.68(c)(5)(iv)(c); 29 CFR 1910.94(a)(2)(iii); 29 CFR 1910.103(b)(3)(iii)(e); 29 CFR 1910.106(h)(7)(iii)(a); 29 CFR 1910.110, (Table H-28); 29 CFR 1910.178(c)(2); ...

Legal Deadline: None

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety-related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45530
NPRM Comment Period End	02/29/88	52 FR 45530
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA32

1729. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR

1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA37

1730. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA40

1731. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24080
NPRM Comment Period End	10/04/89	54 FR 30557
Final Action	02/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA51

1732. LOGGING OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/02/89	54 FR 18798
NPRM Comment Period End	07/31/89	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA52

1733. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA57

1734. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	05/12/89	54 FR 20672
NPRM Comment Period End	05/16/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA on May 12, 1989.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA58

1735. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.137; 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity.The proposal also revises the standards for electrical protective equipment, which is used routinely for electrical power work.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4974
NPRM Comment Period End	06/01/89	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA59

1736. FALL PROTECTION IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

DOL—OSHA

Final Rule Stage

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48166
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.21-1910.23.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA66

1737. SCAFFOLDS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA68

1738. ACCESS AND EGRESS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA70

1739. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33832
NPRM Comment Period End	10/16/89	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605 FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA71

1740. WELDING, CUTTING AND HEATING IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating.

DOL—OSHA **Final Rule Stage**

The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48111
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.251-1910.252.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AA73

1741. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.132-1910.137.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA74

1742. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48092
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, 202 523-8063

RIN: 1218–AA91

1743. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and OSHA will prepare a final rule based on the public record for this standard, including the record developed in earlier rulemakings.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/28/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB02

1744. BLOODBORNE PATHOGENS

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Many health-care workers are exposed to blood and body fluids

from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care worker. One such disease, Hepatitis B, has been shown to present a substantially increased risk for health-care workers. Hepatitis B is a serious disease that may require hospitalization and, in a small percentage of cases, is fatal. Another bloodborne disease, Acquired Immune Deficiency Syndrome (AIDS) is also of great concern to health-care workers. Only a very small number of infections, however, have been documented to have resulted from occupational exposure to the virus that causes AIDS. About half of the nation's 6 million health-care workers are at increased risk from exposure to bloodborne infectious diseases. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45438
ANPRM Comment Period End	01/26/88	52 FR 45438
NPRM	05/30/89	54 FR 23042
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Some examples of health-care workers at highest risk are emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers, and blood bank employees. The Occupational Safety and Health Administration (OSHA) has no standard specifically regulating occupational exposure to bloodborne infectious diseases. In 1983, the Agency issued guidelines for reducing the occupational risk of Hepatitis B infection (OSHA Instruction CPL 2-2.36). These guidelines are voluntary, however. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and AIDS. On May 30, 1989, OSHA published its proposal in the Federal Register (54 FR 23042). Public comment on the proposed standard will assist OSHA in determining the appropriate scope and provisions of the final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3718, FPBldg., Washington, Dc 20210, 209 523-7075

RIN: 1218–AB15

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

1745. OCCUPATIONAL EXPOSURES TO HAZARDOUS CHEMICALS IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public Hearings	03/24/87	52 FR 1212
Final Action	01/31/90	55 FR 3300
Final Action Effective	05/01/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA00

1746. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None

Abstract: A final rule for excavations was published in the Federal Register on October 31, 1989. This rule prescribes the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule was proposed because trench and excavation sidewall failures resulting in death and injury to workers continued to occur in significant numbers. Claims that the previous standards were ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12288
NPRM Comment Period End	10/14/87	52 FR 22799
Final Action	10/31/89	54 FR 45894
Final Action Effective	03/05/90	54 FR 45894

Small Entities Affected: None

Government Levels Affected: None

DOL—OSHA **Completed Actions**

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Thomas H. Seymour, Deputy Director, Safety Standards, Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N3605, FP Building, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA36

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

1747. VETERANS' PROGRAMS AND SERVICES ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Significance: Regulatory Program

Legal Authority: 38 USC Chapter 41; PL 100-323

CFR Citation: 20 CFR Chapter IX

Legal Deadline: None

Abstract: To revise new Chapter IX of Title 20, CFR, titled Office of the Assistant Secretary for Veterans' Employment and Training, to fully describe the authority and responsibilities for provision of services to veterans through administration of programs and activities carried out through the Veterans' Employment and Training Service (VETS). Revisions are to bring regulations into conformity with 38 U.S.C. Chapter 41,42, and 43, as amended by P.L. 100-323. Previous rulemaking will establish the new 20 CFR Chapter IX, Parts 1000-1099, which are hereby revised. According to PL 100-323, several major provisions must be added to the regulations as follows: a) expand responsibilities of Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local Veterans; employment Representatives; (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: (e) expand list of data items to be collected and reported to Congress annually; (f) establish permanent National Veterans' Training Institute; (g) expand membership of Secretary's Committee on Veterans' Employment; (h) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires Department of Labor to monitor and/or administer affected programs.

Agency Contact: Carlon J. Johnson, Chief, Division of Regulations and Special, Programs, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue, NW., Room S1316, FP Building, Washington, DC 20210, **202 523-9110**

RIN: 1293–AA03

[FR Doc. 90-6976 Filed 04-20-90; 8:45 am]

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Federal Register

Monday
April 23, 1990

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 1180]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the April 1990 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB Bulletin 90-03, dated December 1, 1989. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street NW., Washington, DC 20520; telephone (202) 647-2350.

Dated: March 14, 1990.

Ivan Selin,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

1748. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry Porter, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW., Washington, DC 20520, **202 647-3416**

RIN: 1400–AA07

1749. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: U.S. ratification of 1973 Convention providing a uniform law on the form of an international will would provide the basis for establishing the Registry.

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, **202 647-3666**

RIN: 1400–AA09

1750. FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33 (Revision)

Legal Deadline: None

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stetson Tinkham, Program Administrator, Department of State, Office of Fisheries Affairs, OES/OFA, Room 5806, Washington, DC 20520, **202 647-2009**

RIN: 1400–AA10

1751. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 120 to 130

Legal Deadline: None

Abstract: The ITAR were first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984. The State Department office which administers the ITAR, the Office of Defense Trade Controls (until recently, the Office of Munitions Control), is continually seeking ways to improve its export control function through clarification and amendment of the ITAR, as necessary. Along these lines, the Department plans to expand the types of transactions which are exempt from its licensing requirements and to elaborate its policy for designating items on the U.S. Munitions List. In addition, certain regulatory

STATE

Prerule Stage

amendments are currently necessary to implement the Anti-Terrorism and Arms Export Amendments Act of 1989 (PL 101-222). Most of these changes will first be subject to public comment.

Timetable:

Action	Date	FR Cite
Published "Standards Identifying High-Risk Exports"	09/26/88	53 FR 37382
Published Administrative Changes to the International Traffic in Arms Regulations	10/17/89	54 FR 42496
Continue Proposed Revisions	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Levy or Michael Dixon, Deputy Directors, Office of Defense Trade Controls, Department of State, PM/DTC, Room 200, Department of State Annex 6, Washington, DC 20520, **703 875-6650**

RIN: 1400–AA23

DEPARTMENT OF STATE (STATE)

Final Rule Stage

1752. REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: 22 CFR 35

Legal Deadline: Final, Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a monetary penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	54 FR 46405
NPRM Comment Period End	12/04/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW., Washington, DC 20520, **202 647-4446**

RIN: 1400–AA13

1753. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 670

Legal Deadline: None

Abstract: DOSAR interim rules (see 53 FR 26153, July 11, 1988) have been consolidated into eight cases and identified to the Office of Federal Procurement Policy, OMB, under OMB Regulatory Identification Numbers 89-001 through 89-008. Those cases are being presented to the Civilian Agency Acquisition Council for possible inclusion into the Federal Acquisition Regulation (FAR). DOSAR final rule action on those items awaits CAAC determinations.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 19990
NPRM Comment Period End	06/29/87	52 FR 19990
Interim Final Rule	07/11/88	53 FR 26158
Continued Review by FAR Council	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA16

1754. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: This regulation established uniform administrative requirements for grants and cooperative agreements to State and local governments. The regulation is being changed to include institutions of higher education, hospitals, and other nonprofit organizations. This effort represents a merging of OMB circulars A-102 and A-110, and is being promulgated by 27 Federal agencies under the common rulemaking procedures. As a result of public comment, OMB has placed this rule on hold.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 R 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178
NPRM Comment Period End	08/10/87	52 FR 21820
Final Rule	03/11/88	53 FR 8034
NPRM	11/04/88	53 FR 44716
NPRM Public Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: None

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Final Rule Stage

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, 703 875-7047

RIN: 1400–AA20

1755. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 137

Legal Deadline: Other, Statutory, March 18, 1989.
Interim final rule for drug-free workplace regulation.

Abstract: This regulation established a uniform system of nonprocurement debarment and suspension among 27 Federal agencies. The regulation included coverage published as an interim rule, which will remain so indefinitely, until a comprehensive debarment and suspension system covering both procurement and nonprocurement is established (see 53 FR 34474, September 6, 1988). This regulation also has been amended to include Government requirements for drug-free workplace, pursuant to the Drug-Free Workplace Act of 1988 (P.L. 100-690, Title V, Subtitle D).

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39015
NPRM Comment Period End	12/21/87	52 FR 39015
Interim Final Rule	05/26/88	53 FR 19161
Final Rule	05/26/88	53 FR 19161
OMB Notice	09/06/88	53 FR 34474
Final Rule Effective	10/01/88	53 FR 19161
Final Rule and Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule Effective	03/18/89	54 FR 4947
Interim Final Rule Comment Period End	04/03/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, 703 875-7047

RIN: 1400–AA21

1756. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-010)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c); 22 USC 4343

CFR Citation: 48 CFR 625

Legal Deadline: Final, Statutory, June 20, 1988.
Interim final rule at 22 CFR Part 136 made effective on June 20, 1988, the effective date of that section of the statute (PL 100-204).

Abstract: This action will amend the DOSAR to prescribe regulations covering disposition of personal property abroad by certain U.S. Government contractors. The regulation implements a general regulation at 22 CFR Part 136 (see 53 FR 23118, June 20, 1988) which was promulgated pursuant to section 186 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989. The DOSAR coverage will be issued as an interim final rule pending adoption on a governmentwide basis, as the statute covers all contractors that enjoy importation or tax privileges in a foreign country because of their contractual relationship to the U.S. Government. The purpose of the statute is to ensure that contractors do not profit from transactions with persons not entitled to exemptions from import restrictions, duties, or taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, 703 875-7047

RIN: 1400–AA27

1757. ● NEW RESTRICTIONS ON LOBBYING

Significance: Agency Priority

Legal Authority: 31 USC 1352; 22 USC 2658

CFR Citation: 22 CFR 138 (New)

Legal Deadline: Other, Statutory, December 23, 1989.
Interim final guidance.

Abstract: This interim final rule establishes a uniform regulation for nonprocurement Federal transactions among 29 Federal agencies. The regulation adopts and implements guidance published by the Office of Management and Budget (see 54 FR 52306, December 20, 1989), pursuant to section 319 of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990. Section 319 added section 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," to Title 31, United States Code.

Timetable:

Action	Date	FR Cite
OMB Interim Final Guidance	12/20/89	54 FR 52306
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James Tyckoski, Chief, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 202, SA-6, Washington, DC 20522-0602, 703 875-7046

RIN: 1400–AA29

1758. ● ADMINISTRATIVE PRACTICE AND PROCEDURE, CLASSIFIED INFORMATION, FREEDOM OF INFORMATION, PRIVACY

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 551 et seq; 5 USC app 201 EO 12356; EO 12600

CFR Citation: 22 CFR 171

Legal Deadline: None

Abstract: These rules implement the Freedom of Information Act, the Privacy Act, and other information access provisions, and set forth the practices and procedures governing the

STATE **Final Rule Stage**

availability of information and records to the public. The practices and procedures affect: The making of requests, the review of classified and other information in response to such requests; access and denial of access to the requested information; the right to administratively appeal a denial of access; the right to request amendment of personal information; the assessment and waiver of fees in connection with the foregoing; and access to and use of financial disclosure reports.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32626
NPRM Comment Period End	09/26/88	53 FR 32626
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Grafeld, Chief, Privacy, Plans and Appeals Division, Department of State, DS/IM/FPC/PPA, Room 1512, Washington, DC 20520, **202 647-6620**

RIN: 1400–AA30

DEPARTMENT OF STATE (STATE) **Completed Actions**

1759. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-009)

CFR Citation: 48 CFR 601; 48 CFR 605; 48 CFR 607 to 609; 48 CFR 622; 48 CFR 623; 48 CFR 625; 48 CFR 632; 48 CFR 636; 48 CFR 637; 48 CFR 648; 48 CFR 653

Completed:

Reason	Date	FR Cite
Final Action	02/16/90	55 FR 5774
Final Action Effective	02/16/90	55 FR 5774

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Conway 703 875-7047

RIN: 1400–AA28

[FR Doc. 90-6977 Filed 04-20-90; 8:45 am]

BILLING CODE 4710-10-T

federal register

Monday
April 23, 1990

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 90-6]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The regulations agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street SW., Washington, DC 20590; except for the Federal Aviation Administration, which is located at 800 Independence Avenue SW., Washington, DC 20591, and the U.S. Coast Guard, which is located at 2100 Second Street SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:
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- Regulatory Flexibility Act
- Regulatory Impact Analysis
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- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
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Agenda

Background

Improvement of Government regulations is a prime goal of the Bush Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation (Department) achieve these goals and in accordance with Executive Order 12291 "Federal Regulation" (46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulations agenda for publication in the **Federal Register.** The agenda summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for and reviewed by the Department Regulations Council, the Department's regulations agenda is prepared and published in the **Federal Register.** The Department's last agenda was published in the **Federal Register** on October 30, 1989 (54 FR 44884). The next one is scheduled for publication in the **Federal Register** in October 1990.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that, each year, the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding 12 months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities, and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

DOT

(b) a major effect on the general economy in terms of costs, consumer prices, or production;

(c) a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) the Secretary or head of the initiating office has determined requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that, in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary,

(a) is a major regulation;

(b) concerns a matter on which there is substantial public interest or controversy;

(c) has a major impact on another operating administration or other parts of the Department or other Federal agency;

(d) has a substantial effect on State and local governments;

(e) has a substantial impact on a major transportation safety problem;

(f) initiates a substantial regulatory program or change in policy;

(g) is substantially different from international requirements or standards; or

(h) otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register** or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office, the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision, on whether to issue the proposed or final regulation or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading entitled, "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation, if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the **Federal Register** which may occur between agenda publications. (Departmental rulemaking documents published in the **Federal Register** now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made

on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review under Executive Order 12291 must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for or to obtain copies of specific regulatory documents, including the Department's semiannual regulations agenda issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's regulations agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this regulations agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded. If further information is desired on any of

the items listed in the agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda in general or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC, on March 12, 1990.

Samuel K. Skinner,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of a specific regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the contact person listed with the regulation at the following addresses:

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 Second Street SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

(Name of contact person), Urban Mass Transportation Administration, 400 7th Street SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 7th Street Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's regulations agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 Second Street SW., Washington, DC 20593; telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave. SW., Room 915A, Washington, DC 20591; telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: 202/366-1383.

FRA - Larry Wagner, Office of Chief Counsel, 400 7th Street SW., Room 8201, Washington, DC 20590; telephone: 202/366-0628.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: 202/366-2992.

UMTA - Susan Schruth, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: 202/366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: 202/366-0101.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: 202/366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590; telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 Second Street SW., Room 3600, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave. SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street SW., Room 5109, Washington, DC 20590. Working Hours: 8:00-4:00.

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UMTA - Docket Clerk, 400 7th Street SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1760	+ Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act)	2105-AB60
1761	Direct Flights	2105-AA73
1762	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1763	+ Commercial Space Transportation: Financial Responsibility Requirements for Licensed Launch Activities	2105-AA26
1764	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1765	+ Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1766	+ Antidrug Programs for Department of Transportation Contractors	2105-AB40
1767	+ Computer Reservation System (CRS) Rules: Review	2105-AB47
1768	+ Anti-Alcohol Program for the Transportation Industry	2105-AB52
1769	+ Nondiscrimination on the Basis of Handicap in Federally Assisted Mass Transit Programs	2105-AB53
1770	Testimony of Employees of the Department and Production of Records in Legal Proceedings	2105-AB56
1771	Coast Guard Board for Correction of Military Records; Procedural Regulations	2105-AB59
1772	Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act)	2105-AB61
1773	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	2105-AB62

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1774	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1775	+ Statement of Enforcement Policy on Rebating	2105-AB39
1776	+ Price Advertising	2105-AB50
1777	+ Smoking Aboard Aircraft	2105-AB58
1778	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1779	Airline Time and Mileage Guides	2105-AA39
1780	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1781	Air Travelers: Age Discrimination	2105-AA45
1782	Policy Statement on Airline Preemption	2105-AA46
1783	Diversion of Flights Within a Metropolitan Area	2105-AA78
1784	Simplified Aviation Exemption Procedures	2105-AA82
1785	Baggage Liability Notices in International Air Transportation	2105-AA84
1786	Simplified Airline Counter-Sign Notices	2105-AA88
1787	Uniform Administrative Requirements for Grants and Cooperative Agreements	2105-AB46
1788	Transportation Acquisition Regulations	2105-AB54
1789	Kansas Time Zone Proceeding	2105-AB55
1790	New Restrictions on Lobbying	2105-AB57

+ Designates significant regulation.

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Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1791	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1792	+ Procedures for Transportation Workplace Drug-Testing Programs	2105-AB42
1793	+ Essential Air Service; Reductions	2105-AB43
1794	Title VI Civil Rights Regulation	2105-AA02
1795	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1796	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1797	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1798	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1799	Comprehensive Review of CAB Consumer Rules	2105-AB03
1800	Referral of Debts to the IRS for Tax Refund Offset	2105-AB51

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1801	+ Alternative for Licensing Commercial Fishing Industry Vessel Operators (88-096)	2115-AD46
1802	Controlling The Marine Asbestos Hazard (88-103)	2115-AD16

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1803	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1804	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1805	+ User Fees: Small Passenger and Sailing School Vessels (CGD 87-020)	2115-AC74
1806	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094)	2115-AC87
1807	+ Special Cargo Requirements for Benzene (88-040)	2115-AD08
1808	+ Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079)	2115-AD12
1809	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1810	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1811	Launching Devices for Inflatable Liferafts (79-168)	2115-AA45
1812	Pollution-Prevention Regulations for Tankers: General Revisions of 33 CFR 157 (82-030)	2115-AA88
1813	Outer Continental Shelf Facilities: Aids to Navigation (82-054)	2115-AA92
1814	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1815	Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1816	Reassessment of Coast Guard Marine Engineering Regulations—Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1817	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1818	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1819	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1820	Certification of Seamen (84-088)	2115-AC02
1821	Gulf Inland Waterway Regulated Navigation Area (85-096)	2115-AC03
1822	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1823	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1824	Load Lines (86-013)	2115-AC37
1825	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
1826	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
1827	Uninspected Vessel Emergency Position Indicating Radio Beacons (EPIRBs) (87-016)	2115-AC69
1828	Regattas and Marine Parades (CGD 87-087)	2115-AC84
1829	Marine Transport of Bulk Solid Hazardous Materials (87-069)	2115-AD02
1830	Private Electronic Aids to Maritime Navigation (88-011)	2115-AD04
1831	Incorporation and Adoption of Industry Standards (88-032)	2115-AD05
1832	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049)	2115-AD06
1833	Port Access Routes: Approaches to Chesapeake Bay (88-041)	2115-AD09
1834	Access Documents to Waterfront Facilities (88-097)	2115-AD14
1835	Advance Notice of Arrival; Warsaw Pact Nationals (88-104)	2115-AD17

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U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1836	Regulated Navigation Areas; Brownsville Ship Channel (8-89-01)	2115-AD21
1837	User Fees For Vessel Documentation (89-007)	2115-AD29
1838	Documentation of Vessels-Hailing Port (89-026)	2115-AD32
1839	Stability Design and Operational Regulations (89-037)	2115-AD33
1840	Stability Regulations—General Revision of Subchapter S (89-038)	2115-AD34
1841	Vessel Identification System (89-050)	2115-AD35
1842	Prevention of Pollution From Ships (88-002a)	2115-AD40
1843	Removal of Computer Programs From List of Services (89-085)	2115-AD41
1844	Chesapeake Bay Traffic Separation Scheme (89-090)	2115-AD43

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1845	+ Offshore Supply Vessel Regulations (82-004)	2115-AA77
1846	+ Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032)	2115-AB29
1847	+ Hazardous Materials Pollution Prevention: Bulk Liquids (86-034)	2115-AC29
1848	+ Marine Vapor Control Systems 88-102	2115-AC65
1849	+ Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1850	+ Lifesaving Equipment—Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1851	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1852	+ Prevention of Pollution by Plastics, Annex V of MARPOL(88-002)	2115-AC89
1853	Tankerman Requirements and Qualifications for Persons-in-Charge of Dangerous Liquid and Liquefied Gas Transfer Operations (79-116)	2115-AA03
1854	Dealer and First-Purchaser List (77-115)	2115-AA16
1855	Personal Flotation Devices (81-023)	2115-AA58
1856	General Bridge Permit Regulations (81-057)	2115-AA61
1857	Safety/Security Zone Regulations	2115-AA97
1858	Anchorage Area Regulations	2115-AA98
1859	Marine Portable Tanks (84-043)	2115-AB69
1860	Personal Flotation Device Components (84-068)	2115-AB70
1861	Oil Pollution Prevention, MARPOL Annex I (85-026)	2115-AC11
1862	Performance Standards and Approval Procedures for Inflatable Life Jackets (78-174b)	2115-AC16
1863	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1864	Small Passenger Vessel Inspection and Certification (CGD 85-080)	2115-AC22
1865	Cargo Lists and Tables Update (CGD 88-100 and 88-100a)	2115-AC35
1866	Guidelines on Navigation Bridge Visibility (85-099)	2115-AC42
1867	Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (86-067)	2115-AC45
1868	Alternative Provisions for Reinspections of Offshore Supply Vessels in Foreign Ports (CGD 82-004a)	2115-AC86
1869	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065)	2115-AC88
1870	Anchorage Regulations (86-079)	2115-AC96
1871	Documentation of Vessels - Controlling Interest (88-031)	2115-AC99
1872	Cargo Gear Inspection and Testing (87-089)	2115-AD03
1873	Automatic Auxiliary Boilers (88-057)	2115-AD11
1874	Written Warnings By Coast Guard Law Enforcement Officials (88-074)	2115-AD13
1875	Great Lakes Pilotage Regulations (88-111)	2115-AD19
1876	Implementation of the Shore Protection Act of 1988 (89-014)	2115-AD23
1877	Recording of Instruments—Vessel Documentation (89-008)	2115-AD30
1878	Waiver of Crewmember Citizenship Requirements (89-061)	2115-AD38
1879	Vessel Traffic Service New York, Mandatory Participation (89-062)	2115-AD39
1880	Definition of Channel 67 Radio Boundaries (89-086)	2115-AD44
1881	Regulated Navigation Area: Ohio River at Louisville, KY (2-89-04)	2115-AD45

+ Designates significant regulation.

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U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1882	+ Safety Standards for Vapor Control Systems (88-102)	2115-AD15
1883	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1884	Standards for Vessel Piping Systems (77-140)	2115-AA17
1885	Offshore Cranes: Standards and Operator Qualifications (79-059)	2115-AA34
1886	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1887	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1888	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1889	Tonnage Measurement of Vessels (87-015b)	2115-AC67
1890	Port Access Routes; Approach to Freeport, Texas (CGD 87-038)	2115-AC78
1891	Small Passenger Vessel Manning and Personnel Qualifications (85-080a)	2115-AC93
1892	Lifeboat, Liferaft and Rescue Boat Approval Requirements - SOLAS 74/83 (85-201a)	2115-AC94
1893	Aids to Navigation System, Removal of References (88-018)	2115-AC97
1894	Civil Appeals Procedures (88-033)	2115-AD00
1895	Disestablishment of Vessel Traffic Service: New Orleans (88-056)	2115-AD10
1896	Summons in Lieu of Seizure of Commercial Fishing-Industry Vessels (CGD 89-003)	2115-AD20
1897	Amendment of Annexes to Inland Navigation Rules (89-024)	2115-AD28
1898	United States Aids to Navigation System (88-018)	2115-AD36
1899	Amendments to the International Regulations for Preventing Collisions at Sea (89-067)	2115-AD37

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1900	+ Repair Station and Repairmen Certification Rules	2120-AC38
1901	+ Sole Radio Navigation System; Minimum Standards for Certification	2120-AD26
1902	Review of Part 135, Air Taxi Operators and Commercial Operators	2120-AB28
1903	Location of Marks on Fixed-Wing Aircraft and Airships	2120-AC99
1904	North Atlantic Minimums/Minimum Navigational Performance Standards	2120-AD59

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1905	+ Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules	2120-AC22
1906	+ Phaseout of X-Ray Equipment for Carry-On Baggage	2120-AD13
1907	+ Drug Enforcement Assistance	2120-AD16
1908	+ Fatigue Evaluation of Structure	2120-AD42
1909	+ Fatigue Test Requirements for Aging Aircraft	2120-AD43
1910	+ Revision of Part 108, Airplane Operator Security	2120-AD45
1911	+ Revision of Part 107, Airport Security	2120-AD46
1912	+ Revision of Medical Standards and Certification Procedures	2120-AA70
1913	+ Miscellaneous Operational Amendments	2120-AB45
1914	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1915	+ Airspace Reclassification	2120-AB95
1916	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
1917	+ Improved Access to Type III Emergency Exits	2120-AC46
1918	+ Rules of Practice for FAA Civil Penalty Actions	2120-AC74
1919	+ Parts 121 and 135 - Training, Checking, Certification, and Qualifications Requirements	2120-AC79
1920	+ Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines	2120-AC87
1921	+ United States Control Area	2120-AC88
1922	+ Emergency Locator Transmitters	2120-AD19
1923	+ Improved Seat Safety Standards for Commuter Category Airplanes	2120-AD27
1924	+ Ground Proximity Warning Systems	2120-AD29

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Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1925	+ Airworthiness Standards; Emergency Exit Provisions for Normal, Utility, Acrobatic, and Commuter Category Airplanes	2120-AD33
1926	+ Carbon Dioxide Concentration	2120-AD47
1927	+ Flight Attendant Rest Requirements	2120-AD50
1928	+ Submission to Drug Tests	2120-AD56
1929	Objects Affecting Navigable Airspace	2120-AA09
1930	Fuel System Fire Protection	2120-AA49
1931	Airworthiness Standards; Crash Resistant Fuel Systems	2120-AA57
1932	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1933	Composite Propellers	2120-AB05
1934	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1935	Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes	2120-AB18
1936	Airworthiness Standards; Transport Category Rotorcraft Performance	2120-AB36
1937	Engine Fuel and Induction Systems	2120-AB76
1938	Airworthiness Standards; Turboshaft Engine Rotor Burst Protection	2120-AB91
1939	Flight Plan Filing Requirements; National Airspace Review Recommendation	2120-AC56
1940	Non-Federal Air Traffic Control Towers	2120-AC59
1941	Airworthiness Standards; Shoulder Harnesses in Normal and Transport Category Rotorcraft	2120-AC67
1942	Rotorcraft Crash Resistant Fuel Systems	2120-AC68
1943	Airport Radar Service Area (ARSA) Communication Requirement	2120-AC89
1944	Ketchikan International Airport Traffic Rule, Part 93, Subpart M	2120-AC90
1945	Proposed Establishment of the Houston Hobby Terminal Control Area	2120-AD04
1946	Revision of Aviation Maintenance Technician School Rules	2120-AD09
1947	Small Airplane Airworthiness Review Program Notice No. 4	2120-AD20
1948	Maintenance Recording Requirements	2120-AD25
1949	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AD28
1950	Small Airplane Airworthiness Review Program Notice No. 3	2120-AD30
1951	Designated Engineering Organization Authorization Procedures	2120-AD31
1952	Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields	2120-AD32
1953	Depressurization Evaluation of Structures	2120-AD35
1954	Use of Inert Gas for Tire Inflation in Lieu of Air	2120-AD37
1955	Design Standards for Airplane Jacking and Tie-Down Provisions	2120-AD38
1956	Bird Strike Damage Assessment	2120-AD39
1957	1-G Stall Speed as a Basis for Compliance With Part 25	2120-AD40
1958	Participation by Disadvantaged Business Enterprises in Department of Transportation Programs	2120-AD41
1959	61-Knot Stall Speed; Stall Speeds for Single-Engine Airplanes	2120-AD48
1960	Distance Remaining Markers and Friction Measurement Program	2120-AD51
1961	Visual Flight Rules Operations	2120-AD53
1962	1990 Goodwill Games Temporary Flight Restrictions	2120-AD54
1963	Temporary Flight Restrictions	2120-AD55
1964	Parachute Equipment and Packing Requirements	2120-AD57
1965	Noise Requirements for Primary Category Aircraft	2120-AD58

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1966	+ Pilot, Flight Instructor, and Pilot School Certification Rules	2120-AB12
1967	+ Primary Category Aircraft	2120-AB53
1968	+ Fuel Venting and Exhaust-Emission Requirements for Turbine-Engine Powered Airplanes	2120-AC62
1969	+ Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
1970	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
1971	+ Special Federal Aviation Regulation; Advanced Qualification Program	2120-AC85
1972	+ Airplane Cabin-Fire Protection	2120-AB22
1973	+ Elimination of Airport Delays	2120-AB42
1974	+ Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1975	+ Flight Attendant Requirements	2120-AC32
1976	+ Pilots Convicted of Alcohol- or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedures	2120-AC51

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Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1977	+ Indemnification of Publishers of Aeronautical Charts and Maps	2120-AC73
1978	+ Minimum Equipment List (MEL) Requirements	2120-AC86
1979	+ Establishment and Discontinuance Criteria for Airport Traffic Control Tower Facilities	2120-AC98
1980	+ Navigational Equipment Requirement in a Terminal Control Area, Visual Flight Rules Operations	2120-AD15
1981	+ Airborne Low-Altitude Windshear Equipment Requirements	2120-AD18
1982	+ TCAS II Implementation Schedule	2120-AD23
1983	+ Suspension of Certain Aircraft Operations from the Transponder with Automatic Pressure Altitude Reporting Capability Requirement	2120-AD52
1984	Transport Category Airplane Airworthiness Standards	2120-AA47
1985	Miscellaneous Amendments	2120-AA50
1986	Airworthiness Standards: Aircraft Engines, Electrical and Electronic Engine Control Systems	2120-AB06
1987	Low-Fuel-Quantity Alerting System	2120-AB46
1988	Construction, Alteration, Activation, and Deactivation of Airports	2120-AB74
1989	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
1990	Airworthiness Standards; New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings	2120-AB90
1991	Small Airplane Airworthiness Review Program Notice No. 5	2120-AC14
1992	Small Airplane Airworthiness Review Program Notice 2	2120-AC15
1993	Rotorcraft Regulatory Changes Based on European Joint Airworthiness Requirements Proposal	2120-AC27
1994	Improved Structural Requirements for Pressurized Cabins and Compartments in Transport Category Airplanes	2120-AC44
1995	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC45
1996	Realignment of Restricted Areas in the Eglin AFB Area	2120-AC63
1997	Commuter Category - Response to Final Rule Comments	2120-AC77
1998	Electrical and Electronic Systems Lightning Protection	2120-AC81
1999	Landing Gear Aural Warning	2120-AC82
2000	Proposed Establishment of the Washington Tri-Area TCA and Revocation of the Washington, DC, TCA and Airport Radar Service Areas at Baltimore-Washington and Dulles Airports	2120-AD01
2001	Proposed Establishment of the Tampa Terminal Control Area and Revocation of the Tampa International Airport, Airport Radar Service Area; Florida	2120-AD07
2002	Airport Certification and Operations; Clarification of Various Provisions	2120-AD10
2003	Airworthiness Standards: Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards	2120-AD21
2004	Airplane Engine Cowling Retention	2120-AD34
2005	Vibration, Buffet and Aeroelastic Stability Requirements for Transport Category Airplanes	2120-AD36
2006	Part 95 Instrument Flight Rules	2120-AA63
2007	Airworthiness Directives	2120-AA64
2008	Standard Instrument Approach Procedures	2120-AA65
2009	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2010	+ Transponder Requirements in an Air Defense Identification Zone (ADIZ)	2120-AB99
2011	+ Exit Row Seating	2120-AC75
2012	+ Airworthiness Standards; Transport Category Rotorcraft Structural Fatigue Evaluation	2120-AA84
2013	+ Airworthiness Standards; Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
2014	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
2015	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities	2120-AC33
2016	+ Terminal Control Area (TCA) Classification and TCA Pilot and Navigational Equipment Requirements	2120-AC35
2017	+ Design Standards for Fuel Tank Access Covers	2120-AC58
2018	+ Establishment of the Phoenix Terminal Control Area and Revocation of the Phoenix Airport, Airport Radar Service Area; Arizona	2120-AD00
2019	Review of Part 21, Certification Procedures for Products and Parts	2120-AB09
2020	Review of Part 121, Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
2021	Review of Part 67, Medical Standards and Certification	2120-AD60
2022	Revision of General Operating and Flight Rules	2120-AA13

DOT

Federal Aviation Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2023	Airworthiness Standards; Rotorcraft Regulatory Review Program Amendment No. 4	2120-AA29
2024	Student, Recreational, and Private Pilot Rules and Annual Flight Review Requirements	2120-AA54
2025	Airworthiness Standards; Fatigue Requirements	2120-AA58
2026	National Airspace Review (NAR): Terminal Airspace Task Group Recommendations	2120-AB02
2027	Night-Visual Flight Rules Visibility and Distance from Clouds Minimums	2120-AB04
2028	Helicopter Instrument Flight	2120-AB87
2029	Controlled Airspace Designations in International Airspace	2120-AB93
2030	Air Traffic Control Clearance Readback	2120-AC91
2031	Special Air Traffic Rules and Airport Traffic Patterns; Revocation of VOR Federal Airway, No. 16, Phoenix, Arizona	2120-AC92
2032	Establishment of Warning Areas in the Airspace Overlying the Waters Between 3 and 12 Nautical Miles From the United States	2120-AC95
2033	High Density Traffic Airport Slot Allocation and Transfer Methods	2120-AC96
2034	Establishment of the Salt Lake City Terminal Control Area and Revocation of the Salt Lake City International Airport, Airport Radar Service Area; Utah	2120-AD02
2035	Proposed Establishment of the Orlando Terminal Control Area and Revocation of the Orlando International Airport, Airport Radar Service Area, Florida	2120-AD03
2036	Establishment of the Memphis Terminal Control Area and Revocation of the Memphis Airport, Airport Radar Service Area; Tennessee	2120-AD05
2037	Implementation of Equal Access to Justice Act	2120-AD17
2038	Organizational Changes and Delegations of Authority	2120-AD24
2039	Restriction of Certain Flight From the United States to the Republic of the Philippines	2120-AD44
2040	Alteration of the Seattle Terminal Control Area; Washington	2120-AD49

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2041	Qualification of Drivers; Diabetes	2125-AB91
2042	Manual on Uniform Traffic Control Devices	2125-AA37

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2043	+ Commercial Driver's License Standards; Biometric Identifier	2125-AC24
2044	+ Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition	2125-AC27
2045	+ Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2125-AC28
2046	Review: General Materials Requirements	2125-AA19
2047	Review and Preemption of State Motor-Carrier Safety Regulations	2125-AC11
2048	Contract Procedures	2125-AA18
2049	Construction Contract Equal Opportunity Compliance Procedures	2125-AB15
2050	Administration of Engineering and Design Related Service Contracts	2125-AB30
2051	Federal Motor Carrier Safety Regulations; Paperwork Burdens	2125-AC04
2052	Acquisition of Real Property for Rights-of-Way	2125-AC17
2053	Design Standards for Highways; AASHTO Publication; Geometric Design of Highways and Streets	2125-AC22
2054	Inspection, Repair and Maintenance; Brake Inspection	2125-AC25
2055	Parts and Accessories for Safe Operation; Emergency Warning Devices	2125-AC26
2056	Truck Length and Width Exclusive Devices	2125-AC30
2057	Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings; Penalties for Failure to Comply With Notices and Orders Issued Under the Authority of 49 USC 521(b)	2125-AC36
2058	Uniform System for Handicapped Parking	2125-AC39
2059	Qualification of Drivers; Medical Examination	2125-AC44
2060	State Compliance with CDL Program Requirements	2125-AC53
2061	Commercial Driver Instruction Permits	2125-AC54

+ Designates significant regulation.

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Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2062	+ Private Carriage of Passengers	2125-AB62
2063	+ Truck Size and Weight; Reasonable Access	2125-AB70
2064	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
2065	+ Environmental Impact and Related Procedures; Constructive Use	2125-AC18
2066	Federal-Aid Programs Approval and Project Authorization	2125-AB18
2067	Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
2068	Construction Engineering Costs	2125-AC09
2069	Public Availability of Information; Freedom of Information Act Regulations; Technical Amendments	2125-AC20
2070	Design Standards for Highways; Reference Material; Roadside Design Guide	2125-AC32
2071	Design Standards for Highways; Interstate System	2125-AC34
2072	Truck Size and Weight; Saddlemount Combinations	2125-AC38
2073	Qualification of Drivers: Written Examinations	2125-AC42
2074	Qualification of Drivers; Tow Truck Operators	2125-AC43
2075	Inspection, Repair and Maintenance; Periodic Inspections	2125-AC47
2076	Notification and Reporting of Accidents; Property Damage	2125-AC48
2077	Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes on Mexican Commercial Motor Vehicles	2125-AC49
2078	Controlled Substances Testing	2125-AC50
2079	Truck Size and Weight; National Network; Technical Amendments	2125-AC55
2080	Highway Planning and Research Program Administration	2125-AC56

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2081	+ Commercial Driver's License Standards; Disqualifications	2125-AC19
2082	Compliance with Motor Carrier Noise Standards	2125-AA27
2083	Railroad Grade Crossings	2125-AA36
2084	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
2085	Advance Construction of Federal-Aid Projects	2125-AC07
2086	Federal Motor Carrier Safety Regulations; General; Exempt Intracity Zone; Foreign Motor Carriers	2125-AC21
2087	Truck Size and Weight; National Network; Oregon	2125-AC35
2088	Truck Size and Weight; Dromedary Decks and Plates	2125-AC37
2089	National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Pavement Markings	2125-AC40
2090	Federal Motor Carrier Safety Regulations; Minimum Levels of Financial Responsibility; Foreign Motor Carriers	2125-AC41
2091	Truck Size and Weight; National Network; Massachusetts	2125-AC45
2092	Minimum Levels of Financial Responsibility for Motor Carriers; Coverage Requirements for Certain Foreign Motor Carriers; Mexico	2125-AC46
2093	Federal Motor Carrier Safety Regulations; General; Rental Vehicle Leasing	2125-AC51
2094	Certification Acceptance; Coverage	2125-AC52

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2095	+ Rollover	2127-AC64
2096	+ Standard 102; Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking Effect-Slippage	2127-AC74
2097	+ Standard 108; ID and Clearance Lamps on Wide Vehicles	2127-AC78
2098	+ Rear Seat Lap/Shoulder Belts	2127-AD37
2099	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
2100	Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
2101	Review: Roof Crush Resistance and Door Locks and Door Retention Components	2127-AC20
2102	Review: Glass-Plastic Windshields	2127-AD29
2103	Standard 301; Fuel-System Integrity	2127-AB43
2104	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12

DOT

National Highway Traffic Safety Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2105	Standard 208; Occupant Crash Protection - Chest Injury Criteria and Mandatory Use of the Part 572(E) Dummy in the Standard Compliance Testing	2127-AC13
2106	Bumper Standard - Damage Criteria	2127-AC29
2107	Brake Lining	2127-AC66
2108	Federal Motor Vehicle Theft Prevention Standard	2127-AC92
2109	Standard 105; Hydraulic Brake	2127-AC94
2110	Standard 105; Hydraulic Brake Systems - Brake Failure Indicator Lamps	2127-AD03
2111	Standard 121; Air Brake Systems Timing Requirements	2127-AD06
2112	Standard 121; Air Brake Systems Stopping-Distance Performance	2127-AD07
2113	Standard 110, Tire Selection and Rims; and 120, Tire Selection and Rims for Other Than Passenger Cars - Size Labelling	2127-AD23
2114	Standard 209; Seat Belt Assembly - Windowshade Type	2127-AD25
2115	Tire Labeling, FMVSS 109, 110, 117, 119, 120; Parts 569, 574, 575	2127-AD28

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2116	+ Commercial Vehicle Conspicuity	2127-AA12
2117	+ Truck Rear Underride Protection	2127-AA43
2118	+ Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
2119	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
2120	+ Proposed New Standard 135; Passenger-Car Brake System	2127-AA13
2121	+ Standard 302; Flammability of Interior Materials - School Buses	2127-AA44
2122	+ Pedestrian Protection	2127-AA45
2123	+ Standard 205; Glazing Materials, Film Transmittance	2127-AC85
2124	+ Standard 217; Bus Window Retention and Release - Upgrade for School Buses	2127-AC88
2125	+ Standard 301; Fuel-System Integrity - Upgrade for Buses	2127-AC89
2126	+ Standard 111; Rearview Mirrors - School Buses	2127-AD24
2127	+ Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System	2127-AD26
2128	+ Center High-Mounted Stoplamps for Light Trucks	2127-AD35
2129	Rearview Mirror Systems	2127-AA21
2130	Procedures for Considering Environmental Impacts	2127-AB79
2131	Anthropomorphic Test Dummies: 9-Month-Old	2127-AC10
2132	Standard 221; School Bus Body Joint Strength	2127-AC19
2133	Bumper Standard - Test Procedures	2127-AC30
2134	Standard 118; Power-Operated Window Systems, Sunroofs	2127-AC52
2135	Standard 106; Brake Hoses: Permanently Attached End Fittings	2127-AC55
2136	Standard 208; Occupant Crash Protection, Emergency Locking Retractors	2127-AC57
2137	Standard 301; Fuel System Integrity, Testing Performance	2127-AC58
2138	Standard 301; Fuel System Integrity, Fuel Spillage	2127-AC62
2139	Comprehensive Review of Visibility Topics	2127-AC69
2140	Parking Brake Requirements	2127-AC73
2141	Standard 121; Air-Brake Systems, Supplemental Connector	2127-AC80
2142	Establish a Standard for Safe Entry and Exit Requirements for Commercial Vehicles	2127-AC82
2143	Standard 201; Occupant Protection in Interior Impact	2127-AC84
2144	Standard 213; Child Restraint Systems - Newborn and Very Small Children	2127-AC87
2145	Pedestrian Head-Protection Standard	2127-AC90
2146	Standard 106; Brake Hoses - Assemblies	2127-AD04
2147	Standard 116; Motor Vehicle Brake Fluids - Color Requirements	2127-AD05
2148	Standard 207; Seating Systems - Performance	2127-AD08
2149	Standard 207; Seating Systems - Test Procedure	2127-AD09
2150	Standard 108; Lamps, Reflective Devices and Associated Equipment - Petitions for Reconsideration, Reform	2127-AD17
2151	Standard 109; New Pneumatic Tires and Part 575.104, Uniform Tire Quality Grading Standards - CT Tires	2127-AD21
2152	Insurer Reporting Requirements; List of Insurers Required to File Reports in October 1990	2127-AD31
2153	Procedures for Selecting Lines to be Covered by the Theft Prevention Standard	2127-AD32
2154	Automatic Brake Adjusters for Heavy Duty Vehicles	2127-AD34

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National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2155	Bead Unseating Test Fixture	2127-AD36

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2156	+ Crashworthiness Ratings	2127-AA03
2157	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
2158	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
2159	+ Lighting Simplification—Potential Amendments on Long-Term Issues; Standard 108	2127-AB87
2160	+ Vehicle Classification	2127-AA57
2161	+ Side-Impact Protection—Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AC43
2162	+ Standard 208; Occupant Crash Protection - Upgrade	2127-AD10
2163	+ Standard 216; Roof Crush Resistance - Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AD13
2164	+ Stop-Signal Arms on New School Buses; New Standard	2127-AD16
2165	Air-Brake Systems, Parking and Emergency Brakes - Trailers	2127-AA27
2166	Part 571.3 - Definitions - Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
2167	Seat-Belt-Assembly Anchorages - Harmonize and Upgrade	2127-AA95
2168	Anthropomorphic Test Dummies Representing Children: 3-Year-Old	2127-AB94
2169	Anthropomorphic Test Dummies: 6-Year-Old	2127-AC09
2170	Standard 205; Glazing Materials Ball Drop Test	2127-AC14
2171	New Non-Pneumatic Tires for Passenger Cars, Tire Selection, and Rims - Temporary Use of Non-Pneumatic Spare Tires	2127-AC18
2172	Gear Lock; Theft Protection	2127-AC24
2173	Part 544, Motor Vehicle Theft Prevention; Reporting Requirements for Motor Vehicle Rental and Leasing Companies	2127-AC32
2174	Standard 205; Glazing Materials - Create a New Category, AS-15	2127-AC38
2175	Standard 108; Proposed Use of 9007 Bulbs for Headlamps	2127-AC59
2176	Standard 108; Lamps, Reflective Devices, and Associated Equipment; Upgrade References	2127-AC68
2177	Standard 102; Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking Effect - Shift Position/Pattern	2127-AC75
2178	Standard 108; Optically Combined Lamps: New Definition	2127-AC77
2179	Standard 121; Air-Brake Systems, Expandable and Drop Frame Container Chassis	2127-AC81
2180	Standard 208; Occupant Crash Protection - Broaden Test Procedures for Heavy Trucks	2127-AC86
2181	Driving Range Determination for Dual-Fuel Passenger Cars	2127-AD02
2182	Standard 208; Occupant Crash Protection - Dynamically Tested Seat Belts	2127-AD11
2183	Standard 108; Lamps, Reflective Devices and Associated Equipment - Humidity Test	2127-AD18
2184	Standard 109; New Pneumatic Tires - Labelling Requirements	2127-AD22
2185	Air-Brake Systems; Pneumatic Timing Requirements	2127-AD27
2186	Final Listing of High Theft Lines for Model Year 1991	2127-AD33

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2187	+ Side-Impact Protection: Thorax Protection	2127-AB86
2188	+ Post 1991 Light Truck Fuel Economy Standards	2127-AC51
2189	+ Head Restraints - Extend to MPVs, Trucks, and Buses	2127-AC06
2190	+ Incentive Grant Criteria for Drunk-Driving-Prevention Programs (Section 410)	2127-AD01
2191	+ Standard 208; Occupant Crash Protection - Rear Seat Lap/Shoulder Belts, Phase 2	2127-AD12
2192	Review: Schoolbus Seating Systems	2127-AA65
2193	Occupant Protection In Interior Impact	2127-AB16
2194	Odometer Disclosure Requirements	2127-AC42
2195	Near-Term Headlighting Reform	2127-AC53
2196	Standard 115; Vehicle Identification Number and Part 567 - Certification Regulation	2127-AC65
2197	Battery Explosions	2127-AC67

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National Highway Traffic Safety Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2198	Consumer Information Regulations	2127-AC72
2199	Standards 105 and 121; Hydraulic and Air Brake Systems - Brake Adjusters	2127-AC76
2200	Tractor-Trailer Fifth Wheel; False Latching	2127-AC83
2201	Confidential Business Information	2127-AC95
2202	Registered Importers of Nonconforming Vehicles	2127-AC97
2203	Schedule of Fees Authorized by the Imported Vehicle Safety Compliance Act	2127-AC98
2204	Nonconforming Vehicles: Eligibility for Importation	2127-AC99
2205	Importation of Vehicles and Equipment Subject to Federal Motor Vehicle Safety Standards	2127-AD00
2206	Insurer Reporting Requirements; List of Insurers Required to File Reports in October 1989	2127-AD14
2207	Final Listing of High Theft Lines for Model Year 1990	2127-AD15
2208	Standard 108; Color-Coded Rear Lighting	2127-AD19
2209	Standards for New Pneumatic Tires - Listing of Standardization Organizations	2127-AD20

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2210	+ Special Safety Inquiry; Railroad Reporting Requirements	2130-AA56
2211	+ Railroad Accident Reporting	2130-AA58

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2212	+ Rail-Highway Grade Crossing Safety	2130-AA45
2213	+ Railroad Operating Practices; Procedures for Bridge-Worker Safety	2130-AA48
2214	+ Locomotive Operator; Qualification Standards	2130-AA51
2215	+ Train Operation Event Recorders	2130-AA53

+ Designates significant regulation.

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2216	+ Railroad Accident/Incident Reports Classification and Notification of Right to Submit Employee Supplements	2130-AA44

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2217	+ Alcohol/Drug Regulations; Miscellaneous Amendments and Final Rule	2130-AA43
2218	+ Railroad Operating Practices—Protection of On-Track Sleeping Quarters	2130-AA46
2219	+ Safety Enforcement Procedures; Disqualification of Employees	2130-AA49
2220	Administration of Alaska Railroads	2130-AA57

+ Designates significant regulation.

DOT

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2221	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended—Nondiscrimination	2132-AA01

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2222	+ Major Capital Investment Projects	2132-AA34
2223	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
2224	+ Bus Testing	2132-AA30
2225	+ "Buy America" Requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987	2132-AA35
2226	Capital Leases	2132-AA28
2227	Pre-Award and Post-Delivery Audits of Rolling-Stock Purchases	2132-AA29

+ Designates significant regulation.

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2228	School Bus Operations	2132-AA09
2229	Project Management Oversight	2132-AA31

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2230	+ Registration of Shippers and Carriers of Hazardous Materials	2137-AB43
2231	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
2232	Airline Revenue/Nonrevenue, First Class/Business Class/Coach Passengers: Revised Definitions	2137-AB00
2233	Conforming Gas and Liquid Pipeline Welding Standards: Final Phase	2137-AB45
2234	Pressure Testing Plastic Pipe	2137-AB85
2235	Transportation of a Hazardous Liquid at 20 Percent or Less of Specific Minimum Yield Strength	2137-AB86

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2236	+ Hydrostatic Testing of Certain Hazardous Liquid Pipelines	2137-AB46
2237	+ Gas Gathering Line Definition	2137-AB15
2238	+ Proposals for Pipeline Safety	2137-AB27
2239	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2240	+ Qualification of Pipeline Personnel	2137-AB38
2241	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2137-AB42
2242	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory	2137-AB48
2243	+ Pipeline Safety Grant Program: Minimum Requirements for One-Call Systems	2137-AB66
2244	Carriage of Hazardous Materials by Motor Vehicle	2137-AA07
2245	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2246	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63

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Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2247	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34	2137-AA92
2248	Confidentiality of Domestic Nonstop Segment Data and Onflight Market Information Filed in the T-100 System by U.S. Air Carriers	2137-AB01
2249	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks	2137-AB40
2250	Gas Detection and Monitoring in Compressor Station Buildings	2137-AB49
2251	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2252	Gas Pipelines Operating Above 72 Percent of Specified Minimum Yield Strength	2137-AB53
2253	Revision of Operating Requirements for Rail Carriage	2137-AB55
2254	Revision of RSPA Form 41 Report for Changes in GAAP-FAS 95 Statement of Cash Flows, Inventory Requirements, and Group Revenue Reporting Levels	2137-AB57
2255	Retest Requirements for DOT 8 and 8AL Cylinders	2137-AB61
2256	Transportation of Hydrogen Sulfide by Pipeline	2137-AB63
2257	Leakage Surveys	2137-AB64
2258	Pressure Regulators Subject to Inspection and Testing	2137-AB65
2259	Passage of Internal Inspection Devices	2137-AB71
2260	Prohibited Placarding and Placard Visibility	2137-AB75
2261	Updating References to ASTM Specification D2513	2137-AB79
2262	Transmission Lines Supplying Large Volume Customers	2137-AB80
2263	Heat Fusion Joints in Plastic Pipelines	2137-AB81
2264	Atmospheric Corrosion	2137-AB82
2265	Design and Construction of Welded Breakout Tanks	2137-AB83
2266	Split Service Lines	2137-AB84

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2267	+ Performance-Oriented Packaging Standards	2137-AA01
2268	+ Training for Hazardous Materials Transportation	2137-AB26
2269	+ Operation and Maintenance Procedures for Pipelines	2137-AB44
2270	+ Excavation Damage Prevention Programs for Gas and Hazardous Liquid Pipelines	2137-AB47
2271	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
2272	Odorization of LP Gas	2137-AA25
2273	Quantity Limitations Aboard Aircraft	2137-AA85
2274	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2275	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2276	Etiologic Agents; Proposal to Remove the 50 Milliliter Exception	2137-AB56
2277	Elevated Temperature Materials	2137-AB58
2278	Transportation of Radioactive Materials	2137-AB59
2279	Transportation Regulations; Compatibility with the International Atomic Energy Agency	2137-AB60
2280	Transportation of Carbon Dioxide by Pipeline	2137-AB72
2281	Amendment of an Operator's Plans or Procedures	2137-AB77

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2282	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
2283	Emergency Response Communication Standards	2137-AA88
2284	Subsidized Commuter Carriers and Foreign Air Carriers: Records and Retention Periods	2137-AB04
2285	Standards for Construction of Fireworks and Novelties; Approval for Transportation	2137-AB36
2286	Fumigation	2137-AB41
2287	Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations	2137-AB54
2288	Alternative Weld Defect Acceptance Criteria	2137-AB67

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Research and Special Programs Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2289	Deletion of Appendix A to 49 CFR Part 177	2137-AB78

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2290	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2291	+ Procedures Governing the Evaluation of Bids for the Carriage of Preferred Cargoes on Subsidized Vessels	2133-AA77

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2292	+ Regulated Transactions Involving Documented Vessels and Other Maritime Interests	2133-AA79
2293	Federal Income Tax Aspects of the Capital Construction Fund	2133-AA78

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2294	Requirements for Conducting Vessel Subsidy Condition Surveys and for Accomplishing Subsidized Vessel Maintenance and Repairs	2133-AA64
2295	Capital Construction Fund	2133-AA65

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2296	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2297	+ Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services; Exclusion of Commercial Cargoes Reserved for U.S.-Flag Carriers	2133-AA66
2298	+ Procedures Relating to the Conduct of Hearings Under the Merchant Marine Act, 1936	2133-AA20
2299	War Risk Insurance	2133-AA81

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Prerule Stage

1760. ● + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Agency Priority

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An ANPRM requested comments on lifts and other boarding equipment for use in regional and commuter aircraft and air taxis; and accessible lavatories for narrowbody and smaller aircraft. It also sought comments on additional accommodations for hearing-impaired persons. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/90	55 FR 8078
ANPRM Comment Period End	07/05/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL CONTACT: Ira Laster, (202) 366-4813. The telephone number for TDD is (202) 755-7687.

Agency Contact: Donald Trilling, Office of Policy and International Affairs, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-4313

RIN: 2105–AB60

1761. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AA73

1762. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AB25

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Proposed Rule Stage

1763. + COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED LAUNCH ACTIVITIES

Significance: Regulatory Program

Legal Authority: PL 98-575; PL 100-656, Sec 15(c) to 16 Commercial Space Launch Act

CFR Citation: None

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. Licensees and other launch participants are also required to enter into reciprocal waivers of claims arising out of licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the Government when its property or personnel are involved in such operations. This rulemaking codifies the procedures by which OCST sets appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This action is significant because of substantial public interest.

DOT—OST **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 06/30/90

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9305**

RIN: 2105–AA26

1764. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently to issue an NPRM that would propose further changes in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim Amdt. to Final Rule, Pending Revision of Entire Rule	03/12/81	46 FR 16282
Final Action for Interim Amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81 (46 FR 23457)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA04

1765. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. This rulemaking is significant under DOT regulatory policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4633
NPRM Correction	03/13/90	55 FR 9342
NPRM Comment Period End	04/10/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA29

1766. + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c); 48 CFR 1.301; 48 CFR 1.59

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT is considering requiring its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing sensitive safety or security functions under DOT contracts. This rulemaking is significant because of substantial public interest and departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for, Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW., Room 10424, Washington, DC 20590, **202 366-9306**

RIN: 2105–AB40

1767. + COMPUTER RESERVATION SYSTEM (CRS) RULES: REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 255

Legal Deadline: Other, Statutory, December 31, 1990.
By their terms, the rules will expire 12/31/90 unless extended.

Abstract: This rulemaking has been initiated to determine the need to continue or modify existing regulations governing computer reservations

systems (CRSs) and to obtain comments on issues raised in various petitions. This rulemaking is significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	09/21/89	54 FR 38870
ANPRM Comment Period End	11/20/89	
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Samuel Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW Washington, DC 20590, 202 366-9307

RIN: 2105–AB47

1768. + ANTI-ALCOHOL PROGRAM FOR THE TRANSPORTATION INDUSTRY

Significance: Agency Priority

Legal Authority: 49 USC 1657

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The DOT is considering whether additional regulations concerning the use of alcohol by sensitive safety- and security-related personnel in industries regulated by its operating administrations are necessary and, if so, what the scope and focus of any new regulations should be. This proceeding is being conducted to ensure that the Department and its modal administrations have the necessary regulatory tools to respond to the hazards of alcohol use and abuse in transportation, and is considered significant because of important Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/89	54 FR 46326
ANPRM Comment Period End	01/31/90	
ANPRM Comment Period Extended to 03/09/90	02/20/90	55 FR 5856
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/90

Agency Contact: Gwyneth Radloff, Attorney, Office of Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9305

RIN: 2105–AB52

1769. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED MASS TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794; 49 USC 1612

CFR Citation: 49 CFR 27

Legal Deadline: NPRM, Judicial, March 22, 1990. Final, Judicial, September 21, 1990.
A judicial schedule for the proposed and final rules in this rulemaking was established by the Federal District Court on remand from the Court of Appeals for the Third Circuit.

Abstract: This rulemaking is necessitated by an en banc ruling of the U.S. Court of Appeals for the Third Circuit in ADAPT v. Skinner. The court directed DOT to revise its existing rule on this subject consistent with its opinion that provisions of the present rule were inconsistent with the Department's statutory authority. This rulemaking will incorporate an existing rulemaking concerning nondiscrimination on the basis of handicap in Federally assisted commuter rail programs. [RIN 2105-AB23]. This rulemaking is significant because of substantial public interest and Federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	03/26/90	55 FR 11120
NPRM Comment Period End	05/25/90	
Final Action	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB53

1770. ● TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 5 USC 301; 45 USC 41; 49 USC 322; 49 USC 1657

CFR Citation: 49 CFR 9

Legal Deadline: None

Abstract: The Department of Transportation is proposing amendments to the regulations to establish procedural requirements that private litigants must meet before the Department would produce documents or make an employee available to testify in a private legal or administrative proceeding. The proposed requirements are necessary because Department attorneys and employees currently spend a considerable amount of time responding to litigants' requests for documents or testimony, often repeatedly on the same matter. This rule would ensure the more efficient use of DOT ability to respond to such requests.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gwyneth Radloff, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590, 202 366-9305

RIN: 2105–AB56

1771. ● COAST GUARD BOARD FOR CORRECTION OF MILITARY RECORDS; PROCEDURAL REGULATIONS

Significance: Nonsignificant

Legal Authority: 10 USC 1552; 49 USC 1655(b); PL 101-225

CFR Citation: 33 CFR 52

Legal Deadline: Final, Statutory, June 13, 1990.

Abstract: The Department will propose to amend its regulations concerning the

DOT—OST

Proposed Rule Stage

Board for Correction of Military Records of the Coast Guard in accordance with section 212 of the Coast Guard Authorization Act of 1989. The proposed amendments will also make changes that streamline the Board's procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Joost, Chairman, Board for Correction of Military Records, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9335

RIN: 2105–AB59

1772. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Nonsignificant

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An SNPRM will propose three additions to Part 382 to implement the Air Carrier Access Act of 1986. The additions concern standards for boarding chairs; airport terminal transportation systems; and substitute service for persons denied the opportunity to fly because of inaccessible small aircraft.

Timetable:

Action	Date	FR Cite
SNPRM: Final Rule Amendments	03/06/90	55 FR 8076
Comment Period End	06/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8076)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the SNPRM will be available on request.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB61

1773. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: This action would amend portions of the rule implementing Section 504 of the Rehabilitation Act of 1973 concerning federally assisted airport facilities to comport with 14 CFR 382, implementing the Air Carrier Access Act of 1986. The proposed rule would also apply the Section 504 rule to air carriers receiving Federal financial assistance under the essential air service program.

Timetable:

Action	Date	FR Cite
NPRM	03/06/90	55 FR 8081
NPRM Comment Period End	06/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8081)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the NPRM will be available on request.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB62

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Final Rule Stage

1774. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
SNPRM Comment Period End 06/13/83	04/12/83	48 FR 15639

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/82 (47 FR 7443)

Additional Information: Docket 40336. Original NPRM was EDR-439/SPDR 86; SNPRM of 04/12/83 was EDR-456/SPDR-88.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AA41

DOT—OST **Final Rule Stage**

1775. + STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to 02/21/89	02/03/89	54 FR 5497
Correction to Comment Period Document	02/10/89	54 FR 6475

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/21/88 (53 FR 41353)

Agency Contact: Betsy Wolf, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9342

RIN: 2105–AB39

1776. + PRICE ADVERTISING

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380; 14 CFR 399

Legal Deadline: None

Abstract: The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
Comment Period Extended to 9/25/89	08/23/89	54 FR 35005
NPRM Comment Period End	08/25/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31052)

Agency Contact: Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW Washington, DC 20590, 202 366-9305

RIN: 2105–AB50

1777. ● + SMOKING ABOARD AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1386; PL 101-164

CFR Citation: 14 CFR 252

Legal Deadline: None
Although there is no judicial or statutory deadline for the Department's implementation, the statutory ban is effective 02/25/90.

Abstract: This interim final rule amends the rules governing smoking aboard aircraft to incorporate a recent statutory ban on smoking aboard most U.S flight segments. The statutory ban applies to both U.S. and foreign air carriers. This rulemaking proposed to clarify the current rule and make other minor changes. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/13/90	55 FR 4991
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/90 (55 FR 4991)

Additional Information: The interim final rule was effective 02/25/90; comments were due by 04/16/90.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB58

1778. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: The NPRM proposed to prohibit age discrimination by recipients of DOT financial assistance programs. However, it has been concluded that exceptions to the statute would result in no substantive coverage of DOT programs. Moreover, the paperwork requirements for recipients, without substantive coverage, would have been counterproductive. The NPRM will be withdrawn. The Department will consider, in light of any changes in DOT programs, whether resultant substantive coverage would then warrant a new rulemaking proceeding.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
NPRM Comment Period End	01/21/80	
To Be Withdrawn	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/22/79 (44 FR 60946)

Agency Contact: Joseph Austin, Department of Transportation, Office of

the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5992**

RIN: 2105–AA09

1779. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The DOT currently prohibits fares or rates based upon units of time. This proposal would remove these restrictions. The comment period on the NPRM closed on December 13, 1982. In view of the elapsed time, DOT issued a SNPRM to determine whether there is additional information that should be considered before the Department issues a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	
SNPRM Comment Period End 12/12/89	10/13/89	54 FR 41989
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/13/89 (54 FR 41989)

Additional Information: EDR 448, Docket 41034. Formerly entitled: Tariffs; Removal of Requirements for Statements of Fares or Rates Based upon Units of Distance or Time.

Agency Contact: **Thomas Moore**, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2414**

RIN: 2105–AA39

1780. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR 405, Docket 37169.

Agency Contact: **Tim Kelly**, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2220**

RIN: 2105–AA40

1781. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action Adopted by the Board	04/10/80	
HHS Approved Final Rule with Changes	07/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: **Robert Ashby**, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA45

1782. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for Comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9183

RIN: 2105–AA46

1783. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AA78

1784. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under Section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
To Be Withdrawn	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9305

RIN: 2105–AA82

1785. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Timothy Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AA84

1786. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

DOT—OST **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2220

RIN: 2105–AA88

1787. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 18

Legal Deadline: None

Abstract: This rule is being revised to add nongovernmental grantees and to make minor revisions to the current common rule that applies to grants and cooperative agreements to State and local governments. Due to existing statutes and the desire to reduce Federal red tape, DOT does not comply with some sections of the common rule and is proposing deviations from the additional provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/04/88 (53 FR 44716)

Additional Information: The Federal Agencies published the final common rule on 03/11/88 (53 FR 21816). The Department's proposed amendments to the final rule begin on page 44791 of the November 4, 1988 issue of the Federal Register.

Agency Contact: Charles E. Ventura, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4286

RIN: 2105–AB46

1788. TRANSPORTATION ACQUISITION REGULATIONS

Significance: Nonsignificant

Legal Authority: 40 USC 486C

CFR Citation: 48 CFR Ch 12

Legal Deadline: None

Abstract: This rule proposes changes to the Department of Transportation Acquisition Regulations (TAR). These changes add coverage on debarment and suspension and on protests to the agency as well as changes to several internal operating procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51426
NPRM Comment Period End	02/13/90	
Final Action	08/31/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/89 (54 FR 51426)

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lawrence E. Sawler, Procurement Analyst, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-4287

RIN: 2105–AB54

1789. ● KANSAS TIME ZONE PROCEEDING

Significance: Nonsignificant

Legal Authority: 15 USC 260 to 267

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: At the request of the Kearny County Board of Commissioners, the Department proposed to relocate the boundary between mountain and central time in the State of Kansas in order to place the entire county in the central time zone. Public comment was invited on whether this proposal would serve the convenience of commerce, as well as on the appropriate effective date for the change, if a final rule is adopted.

Timetable:

Action	Date	FR Cite
NPRM	11/21/89	54 FR 48117
NPRM Comment Period End	01/22/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/21/89 (54 FR 48117)

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB55

1790. ● NEW RESTRICTIONS ON LOBBYING

Significance: Nonsignificant

Legal Authority: 49 USC 322(a); 31 USC 1352

CFR Citation: 49 CFR Not yet determined

Legal Deadline: Final, Statutory, March 22, 1990.
The Conference Committee report notes that Federal agencies shall expeditiously promulgate regulations.

Abstract: This regulation will implement the provisions of a new section 1352 to title 31, United States Code, that limits the use of appropriated funds to influence certain Federal contracting and financial transactions. Organizations that use their own funds to pay for lobbying activities are required to disclose such activity. The rule will be issued as a common rule based on guidance issued by the Office of Management and Budget on December 20, 1989, 54 FR 52305.

DOT—OST **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Charles E. Ventura, Chief, Policy and Survey Division, Department of Transportation, Office of the Secretary, Office of Acquisition and Grant Management, Rm. 9401, M-62, Washington, DC 20590, **202 366-4289**

RIN: 2105–AB57

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions

1791. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Regulatory Program

Legal Authority: PL 98-443

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: NPRM, Statutory, January 30, 1987. Final, Statutory, March 30, 1990.

Abstract: The Civil Aeronautics Board (CAB) had a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. An advisory committee pursued the rulemaking through a negotiated process. The compliance date was subsequently changed from April 5 to June 4, 1990. Comments were invited on possible further extension of the compliance date to October 5, 1990 (55 FR 12336). This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23574
NPRM Comment Period End	09/20/88	
Comment Period Extended to 12/19/88	09/23/88	53 FR 36997
Final Action	03/06/90	55 FR 8008
Final Action Effective	04/05/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8008)

Additional Information: Reply comments were due 01/18/89. A cassette-tape version of the NPRM was made available to blind persons.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA18

1792. + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rule codifies drug-testing guidelines developed by the Department of Health and Human Services, adapting them to fit the circumstances of employers regulated by DOT. The Department's substantive drug-testing rules require employers to conduct drug testing in accordance with these procedures. This rulemaking was significant, since it affected several operating administrations and their regulated industries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 47002
Interim Final Rule Effective	12/21/88	
Interim Final Rule Comment Period End	01/23/89	
Final Action	12/01/89	54 FR 49854
Final Action Effective	01/02/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Evaluation 12/01/89 (54 FR 49854)

Additional Information: Section 40.31(d) is effective 05/30/90 for employers with fewer than 2,000 covered employees. Compliance with all other portions was authorized immediately.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB42

1793. + ESSENTIAL AIR SERVICE; REDUCTIONS

Significance: Agency Priority

Legal Authority: 49 USC 324; 49 USC 1389; PL 100-457DOT and Related Agencies Appropriations Act, 1989

CFR Citation: 14 CFR 398, (Revision)

Legal Deadline: None

Abstract: Because of the shortfall in FY 1989 appropriations, an NPRM was issued to request comments on various alternatives being considered for reducing essential-service subsidy

Congress subsequently amended the appropriation to provide sufficient funds to continue the program at then existing levels through FY 1989. However, in the DOT FY 1990 Appropriation Act, Congress provided insufficient funds to continue subsidies at all communities receiving essential air service (EAS) in FY 1989. Under the final rule, EAS subsidy at points relatively close to alternate air service, or that had per-passenger requirements of $200 or more in 1988, has been eliminated. Criteria adopted will be applied in subsequent fiscal years should the appropriations shortfall continue and Congress provide no statutory direction to the contrary. This rulemaking was considered significant because of substantial governmental and public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50233
NPRM Comment Period End	01/03/89	
Final Action Effective	12/19/89	
Final Action	12/22/89	54 FR 52766

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Evaluation 12/22/89 (54 FR 52766)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh St. SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB43

1794. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and the NPRM was withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
Withdrawn	11/01/89	54 FR 46085

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5588)

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4754**

RIN: 2105–AA02

1795. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. Therefore, the NPRM has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action Concerning Financial Assistance Programs	03/31/80	45 FR 21172
Withdrawn	10/27/89	54 FR 43835

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/17/79 (44 FR 28928)

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AA03

1796. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal was withdrawn as it would not necessarily increase the efficiency of the grant-making procedures at the Federal and local levels.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
Withdrawn	02/20/90	55 FR 5862

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Bertram, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, **202 366-9669**

RIN: 2105–AA08

1797. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None

Abstract: This proposed rulemaking would have increased the minimum aircraft accident liability insurance

limits for U.S. and Canadian on-demand air-taxi operators from $75,000 to $150,000 per person. (The minimum liability per person for other types of air carriers is $300,000.) The NPRM also included alternative proposals. Commenters alleged that small carriers would be adversely affected by the premiums necessary to pay for the proposed higher coverage. As the currently effective rule has not created significant controversy or complaint in recent years, it was determined no alteration to the current rule is necessary, and the proposal was withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	02/04/80	45 FR 7566
NPRM Comment Period End	03/12/80	45 FR 7566
SNPRM	10/27/81	46 FR 52585
SNPRM	03/10/83	48 FR 10073
Withdrawn	10/16/89	54 FR 42309

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 37531. Original NPRM (02/04/80) was EDR-395; the first SNPRM (10/27/81) was EDR-395B. The second SNPRM (03/10/83) was EDR-395C, and its comment period ended 05/17/83.

Agency Contact: Desta McDowell, Acting Chief, Regulatory Analysis Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1056

RIN: 2105–AA47

1798. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None

Abstract: The essential air service (EAS) program has been changed substantially since the Civil Aeronautics Board first proposed procedural regulations implementing EAS carriers' right to interest payment on any claim for "hold-in" (compelled service) subsidy. Public Law 100-223 repealed section 419(a)(7)(B) of the Federal Aviation Act and added a new requirement for prompt payment of subsidy claims. No qualifying claims have ever been submitted, and the revising legislation has rendered further rulemaking action moot.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Withdrawn	01/12/90	55 FR 1215

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket 41855; PDR 87.

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9154

RIN: 2105–AA77

1799. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G; ...

Legal Deadline: None

Abstract: After the sunset of the Civil Aeronautics Board on January 1, 1985, the Department became responsible for overseeing the consumer protection regulations applicable to airline passengers. The Department established a task force to review the current regulations and pending rulemaking proceedings to determine what, if any, actions should be taken. The internal analysis was completed and it was determined that no comprehensive report is necessary. In the next year, the Department expects to address the pending rulemaking petitions and either terminate old rulemaking proceedings or issue supplemental notices of proposed rulemakings to update information for rulemakings in which final rules are expected to issue.This entry was terminated because the comprehensive review of the consumer protection rules is now complete.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
End Review	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William C. Boyd, Senior Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Room 10222, Washington, DC 20590, 202 366-4870

RIN: 2105–AB03

1800. REFERRAL OF DEBTS TO THE IRS FOR TAX REFUND OFFSET

Significance: Nonsignificant

Legal Authority: 31 USC 3720A

CFR Citation: 49 CFR 89

Legal Deadline: None

Abstract: This regulation established procedures that DOT will follow when referring delinquent debts to the IRS for offset against income- tax refund. 31 USC 3720A authorizes such offset and DOT expects considerable recovery of delinquent debts owed the Department.

Timetable:

Action	Date	FR Cite
Final Action	07/07/89	54 FR 28680
Final Action Effective	08/07/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: No comments to the final rule were received.

Agency Contact: Paul B. Larsen, Attorney, Office of General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9161

RIN: 2105–AB51

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

1801. ● + ALTERNATIVE FOR LICENSING COMMERCIAL FISHING INDUSTRY VESSEL OPERATORS (88-096)

Significance: Agency Priority

Legal Authority: PL 100-424

CFR Citation: 46 CFR 10

Legal Deadline: None

Abstract: Public Law 100-424, The Commercial Fishing Industry Vessel Safety Act, requires the Coast Guard to submit to Congress a plan for licensing operators of documented fishing, fish processing, and fish tender vessels. This notice informed the public of this requirement and solicited comments. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice Request for Comments	12/19/89	54 FR 51964

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR Bruce Pickard, Project Manager, MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0219

RIN: 2115–AD46

1802. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 43 USC 1333

CFR Citation: 46 CFR Subchapter V

Legal Deadline: None

Abstract: Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR M. VanHaverbeke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AD16

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Proposed Rule Stage

1803. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146; 33 CFR 147

Legal Deadline: None

Abstract: This project would revise regulations on the outer continental shelf activities. It is considered significant because of the need for extensive interagency cooperation.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	50 FR 9290
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/90

Additional Information: CGD 84-098(a)(RIN AC40) Self-Inspection of Fixed OCS Facilities split from CGD 84-098 and completed in 53 FR 18977. CGD 84-098(b)(RIN AC41) titled Offshore Evacuation Procedures separated from CGD 84-098 and completed in 54 FR 21566.

Agency Contact: Mr. J. Magill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB74

1804. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100

Legal Deadline: None

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to extent practicable. This rulemaking is significant because it is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. C. Perry, Project manager, NAB-5, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AB73

1805. + USER FEES: SMALL PASSENGER AND SAILING SCHOOL VESSELS (CGD 87-020)

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 46 CFR 169; 46 CFR 175

DOT—USCG

Proposed Rule Stage

Legal Deadline: None

Abstract: This proposal would enumerate selected Coast Guard services for which user fees would be charged, indicate how the charges are to be charged, indicate how the charges are to be made, and how they are to be paid. User fees are being considered for the following services to small passenger vessels and sailing school vessels: initial inspection for certification, inspection for certification, reinspection, drydock examination, licensing/certification, and documentation. This project is considered significant because of substantial public interest in the topic of user fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Formerly entitled Imposition of User Fees for Certain Coast Guard Services; Documentation and Licensing (CGD 87-020).

Agency Contact: Mr. M. Fell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1483

RIN: 2115–AC74

1806. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)

Significance: Agency Priority

Legal Authority: 46 USC 3301

CFR Citation: 46 CFR 174

Legal Deadline: None

Abstract: This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability. This rulemaking is significant because of international implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
Reopen ANPRM Comment Period	11/06/89	54 FR 46631
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/00/90

Agency Contact: Lt. R. Gilbert, Project Manager, MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC87

1807. + SPECIAL CARGO REQUIREMENTS FOR BENZENE (88-040)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: This proposal would update the special cargo requirements for benzene. This would include the lowering of permissible exposure limits, addition of requirements for personal protective equipment, measurement of employee exposures, training, and medical surveillance. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2978
NPRM Comment Period End	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/29/90 (55 FR 2978)

Agency Contact: Dr. M. Parnarouskis, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AD08

1808. + IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)

Significance: Agency Priority

Legal Authority: 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

CFR Citation: 46 CFR 27; 46 CFR 28; 46 CFR 29

Legal Deadline: None

Abstract: The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects to be addressed by the rulemaking include: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM of Consolidated RIN AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	53 FR 52735
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN AC34) has been incorporated into this project.

Agency Contact: Mr. N. Lemley, Project Manager, MTH, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0001

RIN: 2115–AD12

1809. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

DOT—USCG

Proposed Rule Stage

Legal Deadline: None

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM will address new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
NPRM Comment Period End	06/03/82	
SNPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Additional Information: Docket No. CGD 74-284.

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA08

1810. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
SNPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project is listed in this agenda. That project is CGD 78-174b (RIN 2115-AC16), Carriage and Operational Requirements for Inflatable Life Jackets. The Coast Guard is evaluating the comments received on the interim final rule.

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA29

1811. LAUNCHING DEVICES FOR INFLATABLE LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None

Abstract: This project would establish standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms. A supplemental NPRM will be issued to reflect changes in the scope of this project.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
SNPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA45

1812. POLLUTION-PREVENTION REGULATIONS FOR TANKERS: GENERAL REVISIONS OF 33 CFR 157 (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: This project would amend pollution regulations to clarify them, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. S. Shapiro, Project Manager, MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AA88

1813. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Formerly entitled Aids to Navigation on Outer Continental Shelf.

Agency Contact: Mr. C. B. Mosher, Project Manager, NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AA92

1814. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: This proposal would update standards for ships carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: Mrs. D. Anderson, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA95

1815. FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193; 46 CFR 30; 46 CFR 31; 46 CFR 34; 46 CFR 35; 46 CFR 70; 46 CFR 76; 46 CFR 77; 46 CFR 78; 46 CFR 90; 46 CFR 95; ...

Legal Deadline: None

Abstract: The purpose of this proposal is to bring into agreement the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments and Coast Guard regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate Solas 1974.

Agency Contact: Ms. M. Murtagh, Project Manager, MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB36

1816. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS—INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None

Abstract: This project would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: LCDR P. Richardson, Project Manager, MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AB41

1817. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	01/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/91

Additional Information: The Maritime Safety Committee (MSC) of the International Maritime organization adopted a revised action on the Mobile Offshore Drilling Code in March 1989. Final draft of the NPRM herein will be based on this code.

Agency Contact: LCDR McCauley, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB88

1818. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Mr. T. Felleisen, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB92

1819. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164; 46 CFR 10

Legal Deadline: None

Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to take 5 days and cost about $800.00 per student.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 43258
ANPRM Comment Period End	12/23/85	
NPRM	03/07/90	55 FR 8155
NPRM Comment Period End	06/05/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/07/90 (55 FR 8155)

Agency Contact: Mr. F. Flyntz, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0214

RIN: 2115–AB99

1820. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 7301; 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 12; 46 CFR 15; 49 CFR 1.46

Legal Deadline: None

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended to 08/01/85	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC02

1821. GULF INLAND WATERWAY REGULATED NAVIGATION AREA (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Contemplated action would revise and update the inland waterways navigation regulations for the Gulf Intracoastal Waterway from St. Marks, Fla. to the Rio Grande River. Certain frequently granted exemptions regarding length and width of tows would be incorporated into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Formerly titled: Exemptions to Gulf Inland Waterway Regulations.

Agency Contact: Mr. R. Robertson, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AC03

1822. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: Mr. Thomas Nolan, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC20

1823. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

DOT—USCG

Proposed Rule Stage

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None

Abstract: Proposal would update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR M. G. VanHaverbeke, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC30

1824. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Mr. P. Cojeen, Naval Architect, MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, **202 267-2988**

RIN: 2115–AC37

1825. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
RIN AA50		
ANPRM	06/29/81	(46 FR 33341)
NPRM	01/11/85	(50 FR 7558)
Comment Period Extended to	10/14/85	07/05/85 (50 FR 27628)
Comment Period Extended to	01/10/86	09/09/85 (50 FR 36639)
RIN AA57		
ANPRM	08/14/86	(51 FR 29117)
Public Meeting	12/22/86	(51 FR 45783)

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Additional Information: Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113) RIN AA50, and Servicing Inflatable Liferafts (CGD 81-010) RIN AA57.

Agency Contact: Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC51

1826. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under docket number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686).

Agency Contact: LCDR M. B. Karr, Project Manager, MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, **202 267-1181**

RIN: 2115–AC68

1827. UNINSPECTED VESSEL EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBS) (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None

Abstract: As a result of the passage of Public Law 100-540, EPIRBs will be required on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. On August 17, 1988 the Coast Guard published a rule to require EPIRBs on certain fishing vessels. This rule extends the requirements of the August 17th rule as required by P.L. 100-540.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: LCDR Deno, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC69

1828. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	05/00/90	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, NAB-5, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0979**

RIN: 2115–AC84

1829. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice For Solid Bulk Cargoes.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18308
ANPRM Comment Period End	06/27/89	
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Mrs. D. Anderson, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 29593-0001, **202 267-1217**

RIN: 2115–AD02

1830. PRIVATE ELECTRONIC AIDS TO MARITIME NAVIGATION (88-011)

Significance: Nonsignificant

Legal Authority: 14 USC 85

CFR Citation: 33 CFR 66; 33 CFR 164

Legal Deadline: None

Abstract: This proposal would amend the regulations on private aids to navigation by removing a restriction precluding the Coast Guard from permitting certain private electronic aids to navigation. The rulemaking might also amend regulations pertaining to vessels required to carry an electronic position-fixing device.

Timetable:

Action	Date	FR Cite
ANPRM	07/22/88	53 FR 27708
ANPRM Comment Period End	12/02/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After reviewing the comments received on the ANPRM, the Coast Guard is considering changing the scope of the original project.

Agency Contact: LCDR K. Hay, Project Manager, NRN-2, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-0298**

RIN: 2115–AD04

1831. INCORPORATION AND ADOPTION OF INDUSTRY STANDARDS (88-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1321j; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 127; 33 CFR 154; 46 CFR 25; 46 CFR 30; 46 CFR 32; 46 CFR 34; 46 CFR 38; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 64; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 92; ...

Legal Deadline: None

Abstract: This rulemaking would consist of a review of 33 CFR and 46 CFR and incorporate American Society of Testing and Materials (ASTM) standards or adopt the ASME Code as appropriate in place of the regulations. The regulations for these items currently in Subchapter Q would be deleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/90

Additional Information: The rulemaking on fire detection and alarm systems (RIN 2115-AC13) has been consolidated into this project.

CFR CITATION CONT: 46 CFR 95; 46 CFR 98; 46 CFR 105; 46 CFR 108; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 169; 46 CFR 170; 46 CFR 174; 46 CFR 182; 46 CFR 189; 46 CFR 190; 46 CFR 193.

Agency Contact: Mr. S. Irvin, Project Manager, MTH-2, Department of Transportation, U.S. Coast Guard, 2100

DOT—USCG **Proposed Rule Stage**

Second St., SW., Washington, DC 20593-0001, **202 267-2206**

RIN: 2115–AD05

1832. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126; 33 CFR 127

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM Comment Period End	11/28/88	
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 06/00/90

Agency Contact: Mr. G.W. Chappell, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-0491**

RIN: 2115–AD06

1833. PORT ACCESS ROUTES: APPROACHES TO CHESAPEAKE BAY (88-041)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has conducted a port access route study to determine the need for vessel routing measures in the approaches to Chesapeake Bay, VA. As a result of the study a new or modified traffic separation scheme will be proposed in the Federal Register.

Timetable:

Action	Date	FR Cite
Notice of Study Results	07/13/89	54 FR 29627
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As a result of the study, Coast Guard is proposing a Traffic Separation Scheme under RIN 2115-AD43. Other actions to be taken as a result of the study will be outlined in the NPRM.

Agency Contact: Ms. M. Hegy, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AD09

1834. ACCESS DOCUMENTS TO WATERFRONT FACILITIES (88-097)

Significance: Nonsignificant

Legal Authority: EO 10277

CFR Citation: 33 CFR 125

Legal Deadline: None

Abstract: This proposal would reemphasize the Port Security Card as an access control document rather than a personal identification document.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Further action on this proposal is suspended pending evaluation of test results from a field test of prototype card equipment.

Agency Contact: LCDR Neill, Project Manager, MPS-2, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-0475**

RIN: 2115–AD14

1835. ADVANCE NOTICE OF ARRIVAL; WARSAW PACT NATIONALS (88-104)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This regulation would require advance notice to the Captain of The Port (COTP) of the presence on board certain entering vessels of any Warsaw Pact national or Non-Entrant National crew member. Such notice would enable the COTP to take appropriate measures for the removal or restriction of the crew member(s) as necessary for the protection of the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: LT J. McDowell, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20590-0001, **202 267-0491**

RIN: 2115–AD17

1836. REGULATED NAVIGATION AREAS; BROWNSVILLE SHIP CHANNEL (8-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: In recent years the port of Brownsville, Texas, has experienced several casualties involving vessels to be scrapped. This proposal would limit the possibility of future casualties by requiring advance notice of arrival and inspection for watertight integrity and the presence of hazardous gas.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/90

Agency Contact: Lt. Garner, Project Manager, Department of Transportation, U.S. Coast Guard, U.S.C.G. Marine Safety Office, P.O. Box

1621, Corpus Christi, TX 78403-1621, 512 888-3192

RIN: 2115–AD21

1837. USER FEES FOR VESSEL DOCUMENTATION (89-007)

Significance: Nonsignificant

Legal Authority: 31 USC 9701

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: This project proposes establishing user fees for documenting commercial vessels. In addition, it proposes revising existing fees for documentation of recreational vessels to reflect the actual cost of services provided.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 09/00/90

Agency Contact: LCDR Russell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC20593-0001, 202 267-0786

RIN: 2115–AD29

1838. DOCUMENTATION OF VESSELS-HAILING PORT (89-026)

Significance: Nonsignificant

Legal Authority: 46 USC 12502

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Current regulations limit permissible hailing ports to the home port. Public response to these regulations shows that they are too restrictive. As a result, the Coast Guard is proposing to change the regulations to permit the designation of virtually any recognized place name in the United States as a hailing port.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: LCDR Bruce, Project Manager, MVI-6, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC, 20593-0001, 202 267-1492

RIN: 2115–AD32

1839. STABILITY DESIGN AND OPERATIONAL REGULATIONS (89-037)

Significance: Nonsignificant

Legal Authority: 46 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115; 50 USC 198

CFR Citation: 46 CFR 171; 46 CFR 32; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 167; 46 CFR 169; 46 CFR 170; 46 CFR 185; 46 CFR 196

Legal Deadline: Final, Statutory, April 29, 1990.

Abstract: This project proposes adding to the stability and operating regulations for all inspected U.S. flag vessels the requirements of recently adopted amendments to the Safety of Life at Sea (SOLAS) Convention of 1974. The amendments come into force on April 29, 1990. The amendments involve stability after damage, draft indicators, stability information, and the closing of cargo doors before going to sea.

Timetable:

Action	Date	FR Cite
NPRM	02/13/90	55 FR 5120
NPRM Comment Period End	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/90 (55 FR 5120)

Additional Information: This project was formerly titled Incorporation of New SOLAS Amendments on Stability.

Agency Contact: Ms. P. Carrigan, Project Manager, MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC, 20593-0001, 202 267-2988

RIN: 2115–AD33

1840. STABILITY REGULATIONS—GENERAL REVISION OF SUBCHAPTER S (89-038)

Significance: Nonsignificant

Legal Authority: 46 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 170 to 174

Legal Deadline: None

Abstract: This project proposes general editorial changes to the stability regulations to correct errors and clarify meaning. No substantive revisions are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: Lt. Brown, Project Manager, MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC, 20593-0001, 202 267-2988

RIN: 2115–AD34

1841. VESSEL IDENTIFICATION SYSTEM (89-050)

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Public Law 100-710 requires the Secretary of Transportation to establish a vessel identification system. This proposal would implement the provisions of the Act including an annual fee of $1.00 per vessel to pay for administrative costs.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/89	54 FR 38358
ANPRM Comment Period End	12/14/89	
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mr. C. Perry, Project Manager, NAB-5, Department of Transportation, U.S. Coast Guard, 2100

Second St., SW., Washington, DC, 20593-0001, 202 267-0979

RIN: 2115–AD35

1842. ● PREVENTION OF POLLUTION FROM SHIPS (88-002A)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j)(1)(C); 33 USC 1903(b)

CFR Citation: 33 CFR 151; 46 CFR 25

Legal Deadline: None

Abstract: This proposal would require all manned, oceangoing, U.S. ships of 79 feet or more in length which are engaged in commerce to keep records of garbage discharges. In addition, all manned oceangoing U.S. ships 40 feet or more in length which are equipped with galleys and berths would be required to maintain waste management plans. Although related, these two rulemakings are of different scope. This project is not significant and is being listed separately from AC89 to avoid confusion.

Timetable:

Action	Date	FR Cite
NPRM	09/06/89	54 FR 37084
NPRM Comment Period End	11/06/89	
SNPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/06/89 (54 FR 37084)

Additional Information: This proposal was derived from Coast Guard proposal 88-002 titled Prevention of Pollution by Plastics, Annex V of MARPOL (RIN 2115-AC89). Although related, these two rulemakings are of different scope. This project is not significant and is being listed separately from RIN 2115-AC89 to avoid confusion.

Agency Contact: LCDR C. Crampton, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD40

1843. ● REMOVAL OF COMPUTER PROGRAMS FROM LIST OF SERVICES (89-085)

Significance: Nonsignificant

Legal Authority: 14 USC 632

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This proposal would amend a listing of services offered by the Coast Guard by removing all computer programs. These programs are obsolete and no longer reflect the services offered.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: Mr. J. Spencer, Division Chief, MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AD41

1844. ● CHESAPEAKE BAY TRAFFIC SEPARATION SCHEME (89-090)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(c)

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: The Coast Guard conducted a study for the need for port access routes for the approaches to Chesapeake Bay, VA. (Notice of study results published July 13, 1989, 54 FR 29627). The study concluded that the southern approach part of the traffic separation scheme should be reconfigured to incorporate a proposed deep-water route for inbound and outbound vessel traffic. This proposal would implement that recommendation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Ms. M. Heyg, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AD43

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1845. + OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Regulatory Program

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of public interest in certain aspects of this proposal, it has been classified as significant.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	48 FR 6636
ANPRM of Consolidated RIN AC63	04/16/87	52 FR 12439
NPRM	05/09/89	54 FR 20006
Comment Period Extended to 12/06/89	08/31/89	54 FR 36040
NPRM Comment Period End	09/06/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

DOT—USCG

Final Rule Stage

Analysis: Regulatory Evaluation 05/09/89 (54 FR 20006)

Additional Information: Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project. Public Hearing was held in New Orleans 09/13/89 in response to House Subcommittee request.

Agency Contact: LCDR M. Rosecrans, Project Manager, MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA77

1846. + TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has conducted the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway. This project is considered significant because of public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/27/89	54 FR 18258
Correction Notice	05/10/89	54 FR 20235
Announcement of Public Hearings	06/01/89	54 FR 23493
NPRM Comment Period End	07/26/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking involves coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AB29

1847. + HAZARDOUS MATERIALS POLLUTION PREVENTION: BULK LIQUIDS (86-034)

Significance: Regulatory Program

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 126; 33 CFR 154; 33 CFR 155; 33 CFR 156

Legal Deadline: None

Abstract: This Project would apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances. Although previously not categorized as significant, further analysis has determined this rulemaking to be significant because of safety and environmental considerations. Based on comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22118
NPRM Comment Period End	09/12/88	
SNPRM	06/09/89	54 FR 24718
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/13/88 (53 FR 22118); Environmental Evaluation 06/13/88 (53 FR 22118)

Additional Information: Former title: Hazardous Substances Pollution Prevention.

Agency Contact: Mr. G. W. Chappell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC29

1848. ● + MARINE VAPOR CONTROL SYSTEMS 88-102

Significance: Regulatory Program

Legal Authority: 33 USC 1231; 33 USC 1321(j)(1)(C); 46 USC 3715; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 154; 33 CFR 155; 33 CFR 156; 46 CFR 32; 46 CFR 35; 46 CFR 39

Legal Deadline: None

Abstract: The purpose of this proposal is to set new standards for the safe design, installation, and operation of marine vapor control systems. These systems are being required in several states to reduce emissions from tank vessels which carry oil and chemicals in bulk. This proposal would establish minimum safety standards, but does not require installation or use of vapor control systems. This action is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/06/89	54 FR 41366
Meeting Notice	11/02/89	54 FR 46317
NPRM Comment Period End	11/20/89	54 FR 41366
Comment Period Extended to 01/02/90	11/29/89	54 FR 49097
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/06/89 (54 FR 41366)

Additional Information: RIN 2115-AD15 duplicates this entry and has therefore been terminated.

Agency Contact: LCDR R. Fitch, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AC65

1849. + LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Agency Priority

DOT—USCG **Final Rule Stage**

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 15.812; 46 CFR 10.700

Legal Deadline: None

Abstract: This proposal would: (1) delineate when certain inspected vessels are required to be under the direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control, and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. This action is considered significant because of public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	06/06/88	53 FR 20654
SNPRM Withdrawn	08/11/89	54 FR 33045

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This proposal has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard has initiated a comprehensive study of pilotage issues and has requested public comment in 54 FR 31136. Future action will depend on analysis of the study.

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AB67

1850. + LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Agency Priority

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	04/21/89	54 FR 16198
NPRM Comment Period End	08/21/89	
Comment Period Reopened to 01/03/90	10/05/89	54 FR 41124
Public Hearing in Seattle 10/17/89	10/05/89	54 FR 41124
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/21/89 (54 FR 16198)

Additional Information: CFR CITATION CONT: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB72

1851. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, two SNPRMs were issued.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Suspended Effective Date of Interim Final Rule	02/28/89	54 FR 8334
SNPRM	05/17/89	54 FR 21246
Comment Period Closed	06/16/89	
Extension of Comment Period to 7/31/89	06/20/89	54 FR 25881
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/16/87 (52 FR 38660)

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Maritime Personnel, which has been published as a final rule under RIN 2115-AA64 (54 FR 125). The interim final rule effective date was suspended because the comments received indicated substantive revisions to the rule were necessary.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AB91

DOT—USCG

Final Rule Stage

1852. + PREVENTION OF POLLUTION BY PLASTICS, ANNEX V OF MARPOL(88-002)

Significance: Agency Priority

Legal Authority: PL 100-220

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None

Abstract: This proposal would implement Annex V of the International Convention for the Prevention of Pollution by Ships, 1973. The Act to Prevent Pollution from Ships, as amended by Title II of P. L. 100-220, requires the Secretary to administer and enforce the annex. The Act would reduce the incidence of discharges of plastics, including synthetic fishing nets and other ship-generated garbage, into the oceans. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/88	53 FR 23684
ANPRM Comment Period End	07/25/88	
NPRM	10/27/88	53 FR 43622
Notice of Public Hearing	10/27/88	53 FR 43622
Correction to NPRM	11/04/88	53 FR 44617
NPRM Comment Period End	11/28/88	
Interim Final Rule	04/28/89	54 FR 18384
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/28/89 (54 FR 18384); Environmental Evaluation 04/28/89 (54 FR 18384)

Additional Information: Comments on the Interim Final Rule were due by 12/31/89. For a related, although not significant, rulemaking see RIN 2115-AD40.

Agency Contact: LCDR C. Crampton, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC89

1853. TANKERMAN REQUIREMENTS AND QUALIFICATIONS FOR PERSONS-IN-CHARGE OF DANGEROUS LIQUID AND LIQUEFIED GAS TRANSFER OPERATIONS (79-116)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 78; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 97; 46 CFR 15

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers 1978 (STCW), has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	
SNPRM Comment Period End 01/16/90	10/17/89	54 FR 42624
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/18/80 (45 FR 83268)

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate regulatory agenda item.

Agency Contact: Mr. J. Cratty, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, 202 267-0224

RIN: 2115–AA03

1854. DEALER AND FIRST-PURCHASER LIST (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	05/29/87	52 FR 20115
Comment Period Extended	12/17/87	52 FR 47950

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

Additional Information: As a result of a substantial number of negative comments on the SNPRM and a substantially larger estimated annual burden on the public, the Coast Guard is looking for other ways to accomplish the objectives of the regulatory project. The next action will consist of a third SNPRM or initiation of a new regulatory project. The former title of this project was Defect Notification and First-Purchaser Information.

Agency Contact: Mr. Colihan, Project Manager, NAB-6, Department of Transportation, U.S. Coast Guard, 2100

DOT—USCG **Final Rule Stage**

Second Street, SW., Washington, DC 20593-0001, **202 267-0981**

RIN: 2115–AA16

1855. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: This action will revoke an obsolete provision and make several editorial changes. Upon further analysis, an SNPRM was issued proposing to incorporate a recent amendment to Underwriters Laboratories (UL) Standard 1123 by reference in lieu of prescribing the specific text that PFD manufacturers must include in PFD information pamphlets.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606
NPRM Comment Period End	06/11/82	
SNPRM	11/20/89	54 FR 47995
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/20/89 (54 FR 47995)

Additional Information: Docket No. CGD 81-023.

Agency Contact: Mr. C. Perry, Project Manager, NAB-5, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0979**

RIN: 2115–AA58

1856. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None

Abstract: This proposal would establish the general bridge-permit program. There is an initiative to transfer the Bridge Program to the Corps of Engineers. If the Corps agrees and the Congress approves, the program will be transferred.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Additional Information: This project is inactive pending a decision on the transfer of the Bridge program from the Coast Guard to the Corps of Engineers.

Agency Contact: Ms B. Gallahan, Chief, Bridge Permits Branch, NBR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0368**

RIN: 2115–AA61

1857. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90: 300.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AA97

1858. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90: (6).

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AA98

1859. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801 to 1812

CFR Citation: 46 CFR 64; 46 CFR 98.30; 46 CFR 98.33; 46 CFR 98.35

Legal Deadline: None

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	09/11/89	54 FR 37482
NPRM Comment Period End	12/11/89	
Interim Final Rule	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/11/89 (54 FR 37482)

Agency Contact: Mr. F. Thompson, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100

DOT—USCG

Final Rule Stage

Second Street, SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AB69

1860. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47234
NPRM Comment Period End	01/12/90	54 FR 47234
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/13/89 (54 FR 47234)

Agency Contact: Mr. Rajiv Khandpur, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB70

1861. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
NPRM Comment Period End	03/24/86	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: CDR David Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0121

RIN: 2115–AC11

1862. PERFORMANCE STANDARDS AND APPROVAL PROCEDURES FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: The interim final rule established approval and operating requirements for inflatable life jackets. Their use would be optional. The rule was effective 01/04/90; comments were due 01/19/90.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
NPRM Comment Period End	07/15/85	
Interim Final Rule	12/05/89	54 FR 50316
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/05/89 (54 FR 50316)

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29), which was published as an interim final rule (50 FR 33923). The former title of the rulemaking herein was Carriage and Operational Requirements for Inflatable Life Jackets (CGD 78-174b).

Agency Contact: Mr. Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC16

1863. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151; 46 CFR 54; 46 CFR 98

Legal Deadline: None

Abstract: An Interim Final Rule was published to amend the regulations on internal inspection and hydrostatic test intervals for pressure vessel cargo tanks on barges that transport liquefied gaseous cargoes and grade A flammable liquids. The portion of the interim final rule dealing with examination intervals for chlorine tanks was open for comment until March 12, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	09/08/87	52 FR 33841
NPRM Comment Period End	03/07/88	52 FR 45665
Interim Final Rule	12/11/89	54 FR 50958
Interim Final Rule; Correction	01/08/90	55 FR 696
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/11/89 (54 FR 50958)

Additional Information: The interim final rule was effective 01/10/90; the comment period closed 03/12/90.

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC18

1864. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175 to 185; 46 CFR 170; 46 CFR 171; 46 CFR 173

Legal Deadline: None

Abstract: This rulemaking would revise Subchapters "S" and "T" to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412
Comment Period Extended and Notice of Hearings	04/26/89	54 FR 17997
Notice of Public Hearing Change	05/25/89	54 FR 22608
NPRM Comment Period End	05/30/89	
Notice of Intent to Issue SNPRM	09/18/89	54 FR 38410
Second SNPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/30/89 (54 FR 4412)

Additional Information: On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989.

Agency Contact: LCDR W. Cummins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC22

1865. CARGO LISTS AND TABLES UPDATE (CGD 88-100 AND 88-100A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u); 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154

Legal Deadline: None

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action. Notices for this rule are anticipated in Jan./Feb. of each year.

Timetable:

Action	Date	FR Cite
Final Rule	06/04/87	52 FR 21036
NPRM	12/05/88	53 FR 49016
NPRM Comment Period End	01/19/89	
Interim Final Rule	09/29/89	54 FR 40005
Interim Final Rule; Noxious Liquids	09/29/89	54 FR 39999
Interim Final Rule; Correction	10/26/89	54 FR 43584
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40005)

Additional Information: Former regulation title: Noxious Liquid Substances Lists (CGD 88-100a; Bulk Hazardous Materials (CGD 88-100)(53 FR 49018). The RIN AC35 is used for both entries in the Federal Register.

Agency Contact: Dr. M. Parnarouskis/Mr. Payne, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC35

1866. GUIDELINES ON NAVIGATION BRIDGE VISIBILITY (85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12241
NPRM Comment Period End	07/24/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/24/89 (54 FR 12241)

Additional Information: Formerly entitled Navigation Bridge Visibility.

Agency Contact: Lt(jg) S. Godfrey, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-0362

RIN: 2115–AC42

1867. ● PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (86-067)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: On November 21, 1988, the Coast Guard, along with other agencies of the Department of Transportation, adopted regulations requiring pre-employment, post-accident, reasonable cause and random drug testing. Since adopting those regulations, it has been necessary to delay implementation for foreign persons and to reduce an unnecessary pre-employment testing burden on employers in cases where individuals are changing jobs. It is anticipated that some additional adjustments to the rules may be necessary as the Coast Guard receives more information on compliance problems. Although the original rulemaking was significant, these modifications are not considered of sufficient import to warrant that classification.

DOT—USCG **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Rule; Suspension of Implementation Date	12/26/89	54 FR 52943
Final Rule: Delay of Implementation Date	12/27/89	54 FR 53286
Final Rule: Pre-Employment Testing	01/08/90	55 FR 634
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/21/88 (53 FR 47064)

Agency Contact: LCDR Murphy, Project Manager, MMI, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-2215**

RIN: 2115–AC45

1868. ALTERNATIVE PROVISIONS FOR REINSPECTIONS OF OFFSHORE SUPPLY VESSELS IN FOREIGN PORTS (CGD 82-004A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 91

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations concerning the reinspection of offshore supply vessels (OSVs) in foreign ports. Currently OSVs holding two year certificates of inspection are reinspected between the 10th and 14th month of the certificate's period. In recent years, more OSVs have been based overseas in remote locations. Vessel owners must reimburse the Coast Guard for inspector travel and per diem costs in connection with foreign inspections. This action would propose an alternative to the traditional Coast Guard mid-period reinspection. The benefits would be flexibility and financial savings to the OSV industry and more effective use of Coast Guard resources.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17477
NPRM Comment Period End	08/15/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17477)

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, **202 267-1181**

RIN: 2115–AC86

1869. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposal deals with agency procedure, it will be issued as a rule with no notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Further action on this project is suspended pending signature of amended Executive Order No. 10637, which allows this delegation of authority.

Agency Contact: LT J. McDowell, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, **202 267-0489**

RIN: 2115–AC88

1870. ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing non-regulatory, obsolete or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110 - Special Anchorage Areas and Part 111 - Anchorage Grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM Expanding Revisions - Comments by 02/03/89	12/05/88	53 FR 48935
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7949)

Agency Contact: Ms. M. Hegy, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AC96

1871. DOCUMENTATION OF VESSELS - CONTROLLING INTEREST (88-031)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 requires that for any United States-built vessel to be eligible for a fishery license the controlling interest in any corporation which owns the vessel must be owned by individuals who are citizens of the United States. This project would implement the provisions of the Act. Based on comments received, the scope of this project has been expanded to include a complete revision of 46 CFR 67.03 which explains

citizenship requirements for vessel documentation and an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41211
NPRM Comment Period End	11/21/88	
SNPRM	10/13/89	54 FR 41992
Correction of SNPRM	10/30/89	54 FR 44008
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/88 (53 FR 41211)

Agency Contact: LCDR Bruce, Project Manager, MVI-6, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC99

1872. CARGO GEAR INSPECTION AND TESTING (87-089)

Significance: Nonsignificant

Legal Authority: 46 USC 170; 46 USC 363; 46 USC 367

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91

Legal Deadline: None

Abstract: This project would change the quadrennial cargo gear inspection and testing interval to five years. Improvements in material have been recognized worldwide and other nations have gone to a five-year interval.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5642
NPRM Comment Period End	04/07/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/06/89 (54 FR 5642)

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AD03

1873. AUTOMATIC AUXILIARY BOILERS (88-057)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 63; 46 CFR 52; 46 CFR 61

Legal Deadline: None

Abstract: This proposal would clarify the scope and applicability of Part 63, increase safety by preventing an increase in the air flow to a boiler's furnace immediately after an emergency trip, and substitute an industry consensus standard for existing requirements where an equivalent level of safety is provided. The time required for design approvals will be reduced by eliminating several administrative and plan review procedures. The end result should be an overall reduction in costs without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47228
NPRM Comment Period End	02/12/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/13/89 (54 FR 47228)

Agency Contact: Mr. R. Crenwelge, Project Manager, MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD11

1874. WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICIALS (88-074)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This proposal would clarify which Coast Guard Officials may issue written warnings for violations of statutes and regulations.

Timetable:

Action	Date	FR Cite
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: LT T. Beistle, Project Manager, LMI, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0014

RIN: 2115–AD13

1875. GREAT LAKES PILOTAGE REGULATIONS (88-111)

Significance: Nonsignificant

Legal Authority: 46 USC 6101; 46 USC 7701; 46 USC 8105; 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401; 46 CFR 403

Legal Deadline: None

Abstract: In December of 1988 the Department of Transportation completed a study of the Great Lakes Pilotage System. The Secretary has approved the study and its recommendations for improving the system. This proposal would implement some of those recommendations.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11930
NPRM Comment Period End	05/22/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/89 (54 FR 11930)

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AD19

1876. IMPLEMENTATION OF THE SHORE PROTECTION ACT OF 1988 (89-014)

Significance: Nonsignificant

Legal Authority: 33 USC 2602

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, June 15, 1989.
See discussion above.

Abstract: The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and

commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implements these provisions of the Act and requests comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction to Interim Final Rule	06/05/89	54 FR 24078

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/24/89 (54 FR 22546)

Additional Information: Further action on this proposal is awaiting legislative action which will eliminate certain problems with the existing legislation.

Agency Contact: LT J. McDowell, Project Manager, MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD23

1877. RECORDING OF INSTRUMENTS—VESSEL DOCUMENTATION (89-008)

Significance: Nonsignificant

Legal Authority: 46 USC 313

CFR Citation: 46 CFR 67

Legal Deadline: None
PL 100-710 has staggered requirements, several are effective in January 1989 while others are effective in January, 1990.

Abstract: The objective of this project is to bring existing regulations into conformity with law. PL 100-710 requires certain changes to existing regulations, such as eliminating requirements to present the vessel document for endorsement of mortgages. These changes are unequivocal and were effective on January 1, 1989. In addition, this proposal would implement requirements of the law which became effective in 1990. The interim final rule will minimize transitional uncertainty while permitting opportunity for comment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/12/89	54 FR 41835
Interim Final Rule Comments Due 12/11/89	10/12/89	54 FR 41835
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/12/89 (54 FR 41835)

Agency Contact: Mr. T. Willis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC, 20593-0001, 202 267-1492

RIN: 2115–AD30

1878. ● WAIVER OF CREWMEMBER CITIZENSHIP REQUIREMENTS (89-061)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 15

Legal Deadline: None

Abstract: This interim final rule established a general waiver from crew member citizenship requirements (except for Master) with respect to offshore supply vessels from a foreign port and mobile offshore drilling units operating beyond the U.S. outer continental shelf.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1210
Interim Final Rule Effective	01/12/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Comments to the interim final rule are due 06/30/90.

Agency Contact: Mr. C. Young, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AD38

1879. ● VESSEL TRAFFIC SERVICE NEW YORK, MANDATORY PARTICIPATION (89-062)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This proposal would require all vessels subject to the Bridge-to-Bridge Radiotelephone Act within the Vessel Traffic Service (VTS) New York geographic area to comply with reporting procedures upon entry and while navigating in the VTS area. The proposal is necessary because of the amount of dangerous and hazardous cargoes transiting the busy New York Harbor area.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3704
NPRM Comment Period End	03/19/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/02/90 (55 FR 3704)

Agency Contact: Mr. B. Riley, Project Manager, NSP, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-0412

RIN: 2115–AD39

1880. ● DEFINITION OF CHANNEL 67 RADIO BOUNDARIES (89-086)

Significance: Nonsignificant

Legal Authority: 33 USC 1201; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None

Abstract: The purpose of this proposal is to define in 33 CFR the demarcation line between where channel 13 is used as the designated bridge-to-bridge radiotelephone frequency, and where channel 67 is used.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

DOT—USCG

Final Rule Stage

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Mr. P. Palmer, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AD44

1881. ● REGULATED NAVIGATION AREA: OHIO RIVER AT LOUISVILLE, KY (2-89-04)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 162; 33 CFR 165

Legal Deadline: None

Abstract: The purpose of this regulation is to restrict the operation of recreational boats in the vicinity of the Louisville, Kentucky Wharf. The intent is to clarify the existing regulation to preclude the entrance of recreational boaters not intending to transit the lock.

Timetable:

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32661
NPRM Comment Period End	09/25/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/09/89 (54 FR 32661)

Agency Contact: LTJG M. Stalker, Project Manager, District 2, Department of Transportation, U.S. Coast Guard, 600 Martin Luther King Jr. Place, Louisville, KY 40202-2230, 502 582-5194

RIN: 2115–AD45

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1882. + SAFETY STANDARDS FOR VAPOR CONTROL SYSTEMS (88-102)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 33 USC 1225

CFR Citation: 46 CFR Chapter I

Legal Deadline: None

Abstract: This project would establish minimum safety requirements for marine vapor-control systems. The requirements would include design and operating requirements for tank vessels and waterfront facilities using vapor-control systems and qualifications for personnel authorized to operate them. This rulemaking is significant because of the safety implications. However, it is a duplicate of RIN 2115-AC65 and is being removed from the Agenda for that reason.

Timetable:

Action	Date	FR Cite
Action Terminated - Duplicates RIN 2115-AC65	01/23/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: LCDR R. Fitch, Project Manager, MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Secons Street, SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD15

1883. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: This rule permits self-propelled hopper dredges to obtain working freeboards if they so desire, in order to load to a deeper draft and carry more spoil per trip. Complying vessels will be granted exemptions to permit submerging the load line to the working freeboard.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	12/14/87	52 FR 47422
SNPRM	02/22/88	53 FR 5200
Final Action	09/06/89	54 FR 36974
Final Action Effective	10/06/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/06/89 (54 FR 36974)

Agency Contact: Mr. W. Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AA11

1884. STANDARDS FOR VESSEL PIPING SYSTEMS (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56; 46 CFR 61

Legal Deadline: None

Abstract: The final rule updated Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems had become obsolete as a result of technological developments and changes in cited codes and standards. An SNPRM was issued to include clarifying language and to delete the manufacturers' affidavit system.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extended	03/21/85	50 FR 11397
SNPRM	05/18/88	53 FR 17868
Final Action	10/02/89	54 FR 40590
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Additional Information: Docket No. CGD 77-140. Formerly entitled Miscellaneous Changes to 46 CFR 56 and, subsequently, Vessel Piping Systems.

Agency Contact: LCDR P. Richardson, Project Manager, G-MTH, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AA17

1885. OFFSHORE CRANES: STANDARDS AND OPERATOR QUALIFICATIONS (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None

Abstract: This project contemplated qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.The rulemaking was withdrawn because responsibility for crane design and operator qualification has been transferred to the Minerals Management Service of the Interior Department. That portion of the rulemaking concerning cranes on offshore mobile drilling units is incorporated into RIN 2115-AB88. Cranes on deepwater ports may be addressed in a separate rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21378
Withdrawn	09/20/89	54 FR 38696

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA34

1886. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None

Abstract: This action incorporates the National Fire Protection Association's standards for liquefied flammable gas and compressed natural gas as cooking fuels on passenger vessels. The Association's standards include wood and coal stoves which were not mentioned in the NPRM for this project. An Interim Final Rule invited comments on the standards for wood and coal stoves. The final action adopted the interim final rule with changes.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Interim Final Rule	02/10/89	54 FR 6396
Final Action	02/06/90	55 FR 3957

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/06/90 (55 FR 3957)

Additional Information: Docket No. CGD 83-013.

Agency Contact: LCDR VanHaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB35

1887. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None

Abstract: This final rule revises approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material and updates the list of designated testing laboratories for noncombustible materials.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48557
NPRM Comment Period End	01/17/89	53 FR 48557
Final Action	09/01/89	54 FR 36315
Final Action Effective	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/01/89 (54 FR 36315)

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC32

1888. SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The purpose of this proposal was to establish Coast Guard approval requirements for lifeboats and rescue boats to meet the 1974 Safety of Life at Sea Convention as amended in 1983. The action was terminated because of lack of resources to complete it.

Timetable:

Action	Date	FR Cite
Action Terminated	01/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW.,

Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC47

1889. TONNAGE MEASUREMENT OF VESSELS (87-015B)

Significance: Nonsignificant

Legal Authority: 46 USC 14102; 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This project established the International Convention on Tonnage Measurement of Ships, 1969, as the primary tonnage measurement system for measuring vessels of 79 feet and longer. The project also extended simplified measurement to all vessels of less than 79 feet in length and eliminated all vessels of 79 feet in length and over from being measured under the simplified system.

Timetable:

Action	Date	FR Cite
NPRM	04/26/89	54 FR 17968
Correction to NPRM	05/12/89	54 FR 20670
NPRM Comment Period End	06/26/89	
Final Action	09/12/89	54 FR 37652
Correction to Final Rule	09/29/89	54 FR 40240
Final Action Effective	10/12/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/12/89 (54 FR 37652)

Additional Information: Formerly entitled Measurement of Vessels.

Agency Contact: Mr. Dennis Lamont, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593, 202 267-2392

RIN: 2115–AC67

1890. PORT ACCESS ROUTES; APPROACH TO FREEPORT, TEXAS (CGD 87-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: A study of fairway anchorage sites and areas adjacent to the fairway in the approach to Freeport, Texas, was completed. It was concluded that the fairway anchorage, as presently configured, is an essential element of the port's fairway system and will not be modified.

Timetable:

Action	Date	FR Cite
Fairway Study Completed	07/02/87	52 FR 25039
Study Completed; Petition Denied	08/31/89	54 FR 36027

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ms. M. Hegy, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 2nd St., SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC78

1891. SMALL PASSENGER VESSEL MANNING AND PERSONNEL QUALIFICATIONS (85-080A)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 49 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15; 46 CFR 185; 49 CFR 1.46

Legal Deadline: None

Abstract: This proposal would have required small passenger vessels to be manned by crew members trained specifically for this type of vessel and the service in which it is used. After review, it was determined this project should not be continued.

Timetable:

Action	Date	FR Cite
Action Terminated	12/20/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC93

1892. LIFEBOAT, LIFERAFT AND RESCUE BOAT APPROVAL REQUIREMENTS - SOLAS 74/83 (85-201A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 160; 46 CFR 161; 46 CFR 162; 46 CFR 164

Legal Deadline: None

Abstract: This project would have revised approval requirements for position-indicating lights, coated cloth, foam buoyancy material and laminating resin used for survival craft and lifesaving equipment to meet the requirements of the international Safety of Life at Sea (SOLAS) convention. Action was terminated because of lack of resources to complete it.

Timetable:

Action	Date	FR Cite
Action Terminated	01/23/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593, 202 267-1444

RIN: 2115–AC94

1893. AIDS TO NAVIGATION SYSTEM, REMOVAL OF REFERENCES (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233; 43 USC 1333(d)

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: This project removed parenthetical references in the regulations to an old color scheme which is no longer used.

Timetable:

Action	Date	FR Cite
Final Action	11/24/89	54 FR 48607
Final Action Effective	12/26/89	54 FR 48607

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/24/89 (54 FR 48607)

Agency Contact: LTJG Favero, Project Manager, Department of

Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AC97

1894. CIVIL APPEALS PROCEDURES (88-033)

Significance: Nonsignificant

Legal Authority: 5 USC 552; 14 USC 633

CFR Citation: 46 CFR 1

Legal Deadline: None

Abstract: In order to reduce repetitive sections and improve clarity, this project added an "Appeals" section in Part 1 of Chapter I and deleted other civil appeals sections.

Timetable:

Action	Date	FR Cite
Final Action	12/06/89	54 FR 50374

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/06/89 (54 FR 50374)

Agency Contact: Lt. M. Raber, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001], 202 267-2997

RIN: 2115–AD00

1895. DISESTABLISHMENT OF VESSEL TRAFFIC SERVICE: NEW ORLEANS (88-056)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This project was to eliminate references to the Vessel Traffic Service (VTS) in New Orleans since the VTS had been disestablished. However, Congress subsequently directed the Coast Guard to reopen the New Orleans VTS. Therefore, this action was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	01/25/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. J. Sollosi, Project Manager, NRN-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0407

RIN: 2115–AD10

1896. SUMMONS IN LIEU OF SEIZURE OF COMMERCIAL FISHING-INDUSTRY VESSELS (CGD 89-003)

Significance: Nonsignificant

Legal Authority: 14 USC 633; 49 USC 322

CFR Citation: 33 CFR 1

Legal Deadline: Final, Statutory, February 16, 1989.
Section 6079 of the Act (Anti-Drug Abuse Act of 1988, PL 100-690) provides that regulations shall be prescribed by not later than 90 days after enactment of the act.

Abstract: Section 6079 of the Anti-Drug Abuse Act of 1988 (PL 100-690) requires the Secretary of Transportation to prescribe joint regulations with the Secretary of the Treasury which would provide for issuance of a summons to appear in lieu of seizure of a commercial fishing-industry vessel for violations involving the possession of personal-use quantities of a controlled substance. This rule implements that requirement.

Timetable:

Action	Date	FR Cite
NPRM	04/10/89	54 FR 14250
NPRM Comment Period End	05/10/89	
Final Action	09/11/89	54 FR 37613
Final Action Effective	10/11/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/11/89 (54 FR 37613)

Agency Contact: Cdr. G. Gallion, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1534

RIN: 2115–AD20

1897. AMENDMENT OF ANNEXES TO INLAND NAVIGATION RULES (89-024)

Significance: Nonsignificant

Legal Authority: 33 USC 2071

CFR Citation: 33 CFR 84; 33 CFR 87

Legal Deadline: None

Abstract: This final rule amends the Annexes to the Inland Navigation Rules. The changes conform the regulations to the International Rules (72 COLREGS) which became effective on November 19, 1989. The changes were minor. They clarify the proper location for measuring the vertical positioning of lights and allow use of optional radio systems in distress situations.

Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38529
NPRM Comment Period End	11/03/89	
Final Action	02/06/90	55 FR 3946
Final Action Effective	03/08/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/89 (54 FR 38529)

Agency Contact: Mr. P. Palmer, Project Manager, NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC, 20593-0001, 202 267-0406

RIN: 2115–AD28

1898. UNITED STATES AIDS TO NAVIGATION SYSTEM (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: The Coast Guard has completed conversion of all aids in the U.S. Aids of Navigation System to harmonize with the International Association of Lighthouse Authorities Maritime Buoyage System. The rule made minor editorial changes and removed parenthetical references.

Timetable:

Action	Date	FR Cite
Final Action	11/24/89	54 FR 48607
Final Action Effective	12/26/89	

Small Entities Affected: None

Government Levels Affected: None

DOT—USCG **Completed Actions**

Analysis: Regulatory Evaluation 11/24/89 (54 FR 48607)

Agency Contact: LTjg Faveri, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AD36

1899. AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (89-067)

Significance: Nonsignificant

Legal Authority: 33 USC 1607

CFR Citation: 33 CFR 81

Legal Deadline: None

Abstract: On June 27, 1989, the President proclaimed the 1987 amendments to the regulations of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), which entered into force for the U.S. on November 19, 1989. This rule published the President's proclamation and revised the text of the 72 COLREGS to include the 1987 amendments.

Timetable:

Action	Date	FR Cite
Final Action	09/21/89	54 FR 38851
Final Action Effective	11/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. P. Palmer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AD37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

1900. + REPAIR STATION AND REPAIRMEN CERTIFICATION RULES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 43; 14 CFR 65; 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs. The FAA has held four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction	08/08/89	54 FR 32563

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements.

Agency Contact: Leo Weston, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-8283

RIN: 2120–AC38

1901. + SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, September 30, 1989.
Airway Safety and Capacity Expansion Act of 1987 (PL 100-223).3

Abstract: This notice proposed to establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace in the United States. This notice was developed in response to the Airport and Airway Safety and Capacity Expansion Act of 1987. This rulemaking is considered significant because of a Congressional mandate.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/90	55 FR 2206
ANPRM Comment Period End	05/22/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Project No. AFS-89-215-R. This project was formerly entitled Sole Means Radio Navigation System.

Agency Contact: Robert R. Grimes, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3722

RIN: 2120–AD26

1902. REVIEW OF PART 135, AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This part governs: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft.

This part is being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3296

RIN: 2120–AB28

1903. LOCATION OF MARKS ON FIXED-WING AIRCRAFT AND AIRSHIPS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421; 49 USC 1423; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 45

Legal Deadline: None

Abstract: This action would propose to amend the regulations for the location of nationality and registration marks on fixed-wing aircraft and airships. This action would modify the requirements for the location of marks on fixed-wing aircraft and airships with configurations that are not addressed by the existing regulations. These amendments are needed because existing rules cannot be applied to unconventional aircraft and airship configurations and they would allow for alternative locations for nationality and registration markings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-86-132P.

Agency Contact: Earl Seabrooks, Aircraft Manufacturing Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9540

RIN: 2120–AC99

1904. ● NORTH ATLANTIC MINIMUMS/MINIMUM NAVIGATIONAL PERFORMANCE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to amend Part 91 of the Federal Aviation Regulations to require that U.S. aircraft follow minimum navigational performance standards while flying over the North Atlantic and to require that U.S. flight crews utilize proper procedures to enable the flight to adhere to assigned routes within the stringent requirements of the minimum navigational performance standards.

Timetable:

Action	Date	FR Cite
ANPRM	09/24/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AXR-89-175R.

Agency Contact: William Cook, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AD59

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

1905. + CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7618
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/30/86 (51 FR 39663)

Additional Information: Docket 25109. Formerly entitled SST Stage 3 Compliance. Project No. AEE-86-012R.

Agency Contact: Steven Albersheim, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3560

RIN: 2120–AC22

1906. + PHASEOUT OF X-RAY EQUIPMENT FOR CARRY-ON BAGGAGE

Significance: Regulatory Program

DOT—FAA

Proposed Rule Stage

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This notice proposes to phaseout obsolete x-ray systems (in use before July 22, 1985) to ensure that state-of-the-art technology is used. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. AXR-89-197R.

Agency Contact: Quinten T. Johnson, Civil Aviation Security Division, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8058

RIN: 2120–AD13

1907. + DRUG ENFORCEMENT ASSISTANCE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 13; 14 CFR 47

Legal Deadline: Final, Statutory, September 18, 1989.
FAA Drug Enforcement Assistance Act of 1988.

Abstract: This notice proposed to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of a statutory deadline.

Timetable:

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/12/90 (55 FR 9270)

Additional Information: Project No. ACS-89-035R.

Agency Contact: Kenneth Lauterstein, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9534

RIN: 2120–AD16

1908. ● + FATIGUE EVALUATION OF STRUCTURE

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice would propose to revise the fatigue requirements for damage-tolerant structures on transport category airplanes to require full-scale fatigue testing and to require that the thresholds for inspections be based on crack growth from initial flaws in the structure. These proposed changes are based on the service history of airplanes evaluated to the current damage tolerance requirements and are intended to ensure that, should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure until the damage is detected. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/02/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/02/90

Additional Information: Project Number ANM-88-013R.

Agency Contact: Iven Connally, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD42

1909. ● + FATIGUE TEST REQUIREMENTS FOR AGING AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice would require full-scale fatigue testing on the current fleet of aging transport airplanes to two times their design service. If adopted, this rulemaking would apply to all turbine-powered transport category airplanes certified in any category. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/26/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ANM-90-004R.

Agency Contact: Iven Connally, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway, South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD43

DOT—FAA

Proposed Rule Stage

1910. ● + REVISION OF PART 108, AIRPLANE OPERATOR SECURITY

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This notice would propose to amend Part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/91

Additional Information: Project Number AVS-87-107R.

Agency Contact: David Smith, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3466

RIN: 2120–AD45

1911. ● + REVISION OF PART 107, AIRPORT SECURITY

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 107

Legal Deadline: None

Abstract: This notice would propose to amend Part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/25/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/91

Additional Information: Project Number AVS-87-106R.

Agency Contact: Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7723

RIN: 2120–AD46

1912. + REVISION OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: This notice would revise the medical standards and the medical certification procedures of the Federal Aviation Regulations. This action follows the completion of a comprehensive review of the medical standards which was announced in previous notices. If adopted, these revised standards for airman medical certification and associated administrative procedures will better provide for safety in the aviation system and reflect current medical knowledge, practice, and terminology. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/25/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/25/90

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which was used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Project No. AVS-82-288R.

Agency Contact: Dennis P. McEachen, Special Projects Officer, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3428

RIN: 2120–AA70

1913. + MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to amend several sections of the Federal Aviation Regulations. Several proposals would provide the FAA with the means to enforce certain safety regulations. Others would make current operator practices regulatory requirements. Several proposals would establish regulations on child restraint systems, safety belts aboard airships, and flight crewmember use of shoulder harnesses aboard aircraft. Two of the proposals would clarify the regulations concerning fire extinguishers and protective breathing equipment, and one obsolete section of the regulations and several obsolete references to particular dates would be removed. This action would reduce the number of passenger violations and enhance safety aboard aircraft. This rulemaking is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7414
NPRM Comment Period End	05/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/01/90 (55 FR 7414)

Additional Information: Project No. AVS-84-191R.

Agency Contact: Larry Youngblut, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3755

RIN: 2120–AB45

1914. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1421(a); 49 USC 1423; 49 USC 1431(b); 49 USC 1421; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Contemplated action would revise certification and operational requirements for aircraft effective the date of the NPRM. On that date the current two-stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AEE-84-100R.

Agency Contact: Louise E. Maillett, Deputy Director, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3576

RIN: 2120–AB88

1915. + AIRSPACE RECLASSIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357; 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655; 49 USC 106(g); ...

CFR Citation: 14 CFR 1; 14 CFR 11; 14 CFR 65; 14 CFR 71; 14 CFR 75; 14 CFR 91; 14 CFR 93; 14 CFR 101; 14 CFR 103; 14 CFR 105; 14 CFR 121; 14 CFR 127; 14 CFR 137; 14 CFR 171

Legal Deadline: None

Abstract: This notice proposes to adopt certain recommendations of the National Airspace Review concerning changes to regulations and procedures dealing with airspace classification. These changes are intended to: (1) simplify airspace designations; (2) achieve international commonality of airspace designations; (3) increase standardization of equipment requirements for operations in the various classifications of airspace; and (4) associate appropriate pilot certification requirements, visual flight rules visibility and distance from clouds rules, and air traffic services offered in each proposed class of airspace. This proposal represents the combination of three separate advance proposals issued in 1985 concerning airspace assignment and related air traffic operating rules. The FAA believes the simplified airspace classification proposed in this action will reduce existing airspace complexity and thereby enhance safety. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	10/18/89	54 FR 42916
NPRM Comment Period End	04/18/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket number 24456.

Regulatory Project ATO-200-84-7R.

RIN 2120-AC57, RIN 2120-AB02, National Airspace Review; Terminal Airspace Task Group Recommendations, and RIN 2120-AB93, Controlled Airspace Designations in International Airspace, have been incorporated into this action.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AB95

1916. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to passenger seating allowed for each exit type, and the type and number of exits required for passenger seating configurations. This notice proposed to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington, on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6344
NPRM Comment Period End	08/21/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/22/90 (55 FR 6344)

Additional Information: Project No. ANM-87-006R.

Agency Contact: Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC43

1917. + IMPROVED ACCESS TO TYPE III EMERGENCY EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice will propose to amend the Federal Aviation Regulations to require improved access to Type III emergency exits in transport category airplanes. This proposal is the result of tests which were conducted at the FAA's Civil Aeromedical Institute and is intended to improve the ability of occupants to evacuate an airplane under emergency conditions. It will be applicable to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Formerly entitled Improved Access to Type III and Type IV Emergency Exits. Project No. ANM-86-007R.

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC46

1918. ● + RULES OF PRACTICE FOR FAA CIVIL PENALTY ACTIONS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481 to 1482; 49 USC 1484 to 1489; 49 USC 1523

CFR Citation: 14 CFR 13

Legal Deadline: None

Abstract: This notice invited public comment on policy issues and proposed changes to the rules of practice regarding the FAA's civil penalty authority in actions not exceeding $50,000 for a violation. Several objections to the final rule, raised by individuals and by organizations representing air carriers, airport operators, and pilots, will be reexamined. The comments will assist in consideration of changes to the rules of practice to be applied in future and, where appropriate, pending civil penalty actions. This action is considered significant because of substantial congressional and public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/06/90	55 FR 7980
NPRM Comment Period End	03/30/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The final rule was published in the Federal Register August 31, 1988 (53 FR 34646); FAA disposition of comments received was issued March 22, 1989 (54 FR 11914). A public meeting was announced for March 12, 1990, in Washington, DC (55 FR 7989, 3/06/90).

Agency Contact: Denise Daniels Ross, Special Assistant to the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3773

RIN: 2120–AC74

1919. + PARTS 121 AND 135 - TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the Parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite
NPRM	09/03/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/03/90

Additional Information: Project No. AXR-88-301R.

Agency Contact: David Catey, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3750

RIN: 2120–AC79

1920. + INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

CFR Citation: 14 CFR 25

Legal Deadline: NPRM, Statutory, February 3, 1989.
Public Law 100-591, Aviation Safety Research Act of 1988.

Abstract: This preliminary action is to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicits public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. This rulemaking is considered significant because of a statutory requirement.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Project No. ANM-89-005R.

Agency Contact: James Walker, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2116

RIN: 2120–AC87

1921. + UNITED STATES CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71; 14 CFR 11.69

Legal Deadline: None

Abstract: This action would propose to enhance flight safety and to simplify the flight rules associated with flights conducted under visual flight rules by requiring all visual flight rules operations above a common altitude (1,200 feet above ground level) to be conducted with the same distance from clouds and visibility minimums. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-87-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC88

1922. + EMERGENCY LOCATOR TRANSMITTERS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to require installation of an improved emergency locator transmitter (ELT) that meets the requirements of a revised Technical Standards Order (TSO) on U.S.-registered airplanes and to terminate approval to use ELT's authorized under the original TSO issued for this equipment. The new equipment would be required for future installations. This proposal is prompted by unsatisfactory performance experienced with ELT's that are manufactured under the original TSO and relates to safety recommendations by the National Transportation Safety Board and the search and rescue community. Although most of the unsatisfactory field experience has been with automatic ELT's, the FAA is also proposing improved standards for survival ELT's. This proposal would save lives by increasing the number of survivors rescued after aircraft accidents. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12316
NPRM Comment Period End	07/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/02/90 (55 FR 12316)

Additional Information: Project No. AVS-85-348R.

Agency Contact: Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9571

RIN: 2120–AD19

1923. + IMPROVED SEAT SAFETY STANDARDS FOR COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This rulemaking action would upgrade the occupant seat restraint systems in commuter category airplanes. It is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/20/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/20/90

Additional Information: Project No. ACE-87-014-R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-5688

RIN: 2120–AD27

1924. + GROUND PROXIMITY WARNING SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This notice would revise the operating rules for air taxi and commercial operators by requiring that all turbine-powered (rather than just turbojet) airplanes with ten or more seats be equipped with an approved ground proximity warning system. The

proposed changes are needed because studies have shown that several terrain accidents involving turbo-propeller powered airplanes might have been avoided had the airplanes been equipped with a ground proximity warning system. This proposed rule is intended to reduce the risk of airplanes being flown into terrain with no apparent awareness by the crews that they are approaching the ground. This rulemaking is considered significant because of safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. AVS-86-283R.

Agency Contact: Philip Akers, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9571

RIN: 2120–AD29

1925. + AIRWORTHINESS STANDARDS; EMERGENCY EXIT PROVISIONS FOR NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice would propose to amend emergency egress requirements of the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These proposed rules are necessary to improve the compatibility of the requirements for emergency exit provisions of commuter category airplanes with the corresponding requirements for similar sized transport category airplanes. These proposals provide alternative emergency exit requirements, applicable to commuter category airplanes, when additional bin safety features are included in the airplane design, and include specific requirements for flight crew emergency exits, emergency exit ditching provisions, and the size requirement of the passenger entry door for commuter category airplanes. This rulemaking is considered significant because it involves a cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. ACE-88-001R. This project was formerly entitled Exit Requirements for Part 23 Airplanes.

Agency Contact: Ervin E. Dvorak, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, 816 926-5688

RIN: 2120–AD33

1926. ● + CARBON DIOXIDE CONCENTRATION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This rulemaking has been established in order to review Part 25 of the Federal Aviation Regulations to determine if the current allowable concentration of carbon dioxide in the airplane cabin and flight deck is appropriate in light of standards established for air quality in buildings occupied by the general public and with workplace exposure limits adopted by other regulatory agencies. This rulemaking is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	12/10/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ANM-87-017R.

Agency Contact: Gary D. Luim, Regulations Branch, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD47

1927. ● + FLIGHT ATTENDANT REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to establish flight attendant duty and rest requirements. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/29/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AXR-90-114R.

Agency Contact: Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3755

RIN: 2120–AD50

1928. ● + SUBMISSION TO DRUG TESTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to require aircraft crewmembers to submit to tests that show the presence of drugs or drug metabolites when requested by law enforcement officers investigating a violation of State or local law. The

proposed amendments are necessary to aid in the enforcement of existing Federal regulations that prohibit individuals from acting, or attempting to act, as crewmembers while using any drug that affects their faculties in any way contrary to safety. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AXR-90-082R.

Agency Contact: Noreen Hannigan, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-7625

RIN: 2120–AD56

1929. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421 to 1430; 49 USC 1501; 49 USC 106(g)

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This notice would propose amendments to the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice would consist primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory Committee. This notice would also introduce language to cover electromagnetic interference phenomenon that could create a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	05/10/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/10/90

Additional Information: Regulatory Project ATO-200-85-15R.

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AA09

1930. FUEL SYSTEM FIRE PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend Sec. 25.975 to require fuel tank vent protection during ground fires and Sec. 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	06/04/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/04/90

Additional Information: Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2116

RIN: 2120–AA49

1931. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action proposed changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	
NPRM	02/28/90	55 FR 7280
NPRM Comment Period End	06/28/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/28/90 (55 FR 7280)

Additional Information: Formerly titled Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems. Project No. ACE-82-005R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AA57

1932. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/03/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/03/90

Additional Information: Project No. AVS-83-105R.

Agency Contact: Brian Calendine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8150**

RIN: 2120–AA83

1933. COMPOSITE PROPELLERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This action would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	03/04/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/04/91

Additional Information: Formerly titled Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction. Project No. ANE-83-002R.

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120–AB05

1934. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways. In view of comments received, a second NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	
Second NPRM	09/27/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/87 (52 FR 45578)

Additional Information: Docket 25471. Project No. ANM-83-030R.

Agency Contact: Bill Boxwell, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2111**

RIN: 2120–AB17

1935. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC TRANSPORT AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes an amendment to the Federal Aviation Regulations to specify airplane and equipment airworthiness standards for subsonic transport airplanes to be operated up to an altitude of 51,000 feet. This proposal is prompted by an increase in the number of applications received to raise the maximum certificated operating altitude for transport category airplanes. This action is intended to ensure an acceptable level of safety for airplanes operated at high altitudes.

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48538
NPRM Comment Period End	05/21/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 11/22/89 (54 FR 48538)

Additional Information: Project No. ANM-83-022R.

Agency Contact: Gary Lium, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2118**

RIN: 2120–AB18

1936. AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

DOT—FAA

Proposed Rule Stage

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This notice proposes to revise the performance requirements for transport category rotorcraft. The proposed changes are needed to define more clearly the factors for determining takeoff distances for transport category rotorcraft and to add several other relevant standards. If adopted, these changes would provide for an improved level of safety achievable because of recent technological advances in turboshaft engine design and associated rotorcraft design.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	01/08/90	55 FR 698
NPRM Comment Period End	07/09/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/90 (55 FR 698)

Additional Information: Project No. ASW-83-006R.

Agency Contact: Jim S. Honaker, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120–AB36

1937. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage. NPRM would require both the fuel-air mixture control device and throttle control device to move automatically to an acceptable position for continued safe operation in the event that the control linkage of these levers becomes disconnected.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/15/90

Additional Information: Project No. ANE-85-002R.

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120–AB76

1938. AIRWORTHINESS STANDARDS; TURBOSHAFT ENGINE ROTOR BURST PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This notice proposes to amend the Federal Aviation Regulations to minimize the failure hazards of high speed powerplant rotor systems used in turboshaft engines in newly designed transport category rotorcraft. Engine rotor failures have occurred resulting in the release of high energy rotor fragments or other engine component fragments. These fragments have impacted and damaged critical rotorcraft structures, systems, controls, and adjacent engines, as well as caused serious or fatal injuries to passengers and crewmembers. This proposal, if adopted, is intended to eliminate these hazards.

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42716
Comment Period Extended to 10/16/90	03/08/90	55 FR 8474
NPRM Comment Period End	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/89 (54 FR 42716)

Additional Information: Former title Turbine Burst Protection for Transport Category Helicopters. Project No. ASW-84-002.

Agency Contact: Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5123

RIN: 2120–AB91

1939. FLIGHT PLAN FILING REQUIREMENTS; NATIONAL AIRSPACE REVIEW RECOMMENDATION

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.83

Legal Deadline: None

Abstract: This action will propose to review flight-plan filing requirements and revise according to National Airspace Review Recommendations 2-3.1.4, 2-3.1.5, 2-3.1.6, 2-3.1.7, and 2-3.1.8, i.e., to establish lower ceiling and visibility criteria for rotorcraft so as to reduce the frequency of required IFR alternate airport filings; to allow fixed-wing aircraft to file IFR alternate airports that meet the same criteria as rotorcraft; to require pilots to indicate, in their flight plans, when their aircraft is equipped with special equipment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-12R. RIN 2120-AC41 was consolidated into this proceeding.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC56

1940. NON-FEDERAL AIR TRAFFIC CONTROL TOWERS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 105

Legal Deadline: None

Abstract: The adoption of this recommendation would allow review, study, and proposal of changes to Parts 91 and 105 of the regulations. This proposal would define the responsibilities of non-Federal air traffic control towers as to compliance with FAA air traffic control towers. This proposal would have an effect on local and State governments.

Timetable:

Action	Date	FR Cite
NPRM	10/24/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/24/90

Additional Information: Regulatory Project No. ATO-200-87-14R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8781

RIN: 2120–AC59

1941. AIRWORTHINESS STANDARDS; SHOULDER HARNESSES IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 27; 14 CFR 29; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposes to amend the regulations to require installation of shoulder harnesses at all seats of rotorcraft manufactured after 1 year after publication in the Federal Register of any final rule resulting from this notice. This notice responds to a safety recommendation from the National Transportation Safety Board and would enhance protection of occupants in rotorcraft. Similar rules have been adopted for certain small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	12/08/89	54 FR 50688
NPRM Comment Period End	06/06/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 12/08/89 (54 FR 50688)

Additional Information: Formerly entitled Shoulder Harnesses for Each Seat in Parts 27 and 29 Rotorcraft. Project No. ASW-86-018R.

Agency Contact: James Major, Rotorcraft Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, PO Box 1689, Fort Worth, TX 79193-0111, 817 624-5117

RIN: 2120–AC67

1942. ROTORCRAFT CRASH RESISTANT FUEL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to implement requirements in Parts 27 and 29 for crash-resistant fuel systems to reduce injuries or fatalities resulting from ignition of flammable fluids following an otherwise survivable crash of a rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	06/25/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Fuel System Crashworthiness. Project No. ASW-85-006R.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5118

RIN: 2120–AC68

1943. ● AIRPORT RADAR SERVICE AREA (ARSA) COMMUNICATION REQUIREMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would clarify the regulations dealing with the two-way radio communication requirement for operations in an Airport Radar Service Area (ARSA). It would allow pilots to know which air traffic control facilities they are required to contact for entry into an ARSA. This notice would also ensure that the correct air traffic control facility is aware of all aircraft operating in an ARSA and reduce the potential for midair collisions.

Timetable:

Action	Date	FR Cite
NPRM	08/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-200-88-18R.

Agency Contact: James H. Steenson, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC89

1944. KETCHIKAN INTERNATIONAL AIRPORT TRAFFIC RULE, PART 93, SUBPART M

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposes to eliminate the exclusion of airspace below 600 feet mean sea level and to require reporting for traffic advisories by all pilots flying radio-equipped aircraft within the Ketchikan International Airport control zone (regardless of whether the control zone is in effect or not).

Timetable:

Action	Date	FR Cite
NPRM	06/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-88-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC90

1945. PROPOSED ESTABLISHMENT OF THE HOUSTON HOBBY TERMINAL CONTROL AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1248(a); 49 USC 1345(a); 49 USC 1510; EO 19854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD04

1946. REVISION OF AVIATION MAINTENANCE TECHNICIAN SCHOOL RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 147

Legal Deadline: None

Abstract: This notice proposes to update the regulations for certificating aviation maintenance technician schools to accommodate the increasing demand for maintenance technicians with higher levels of skill and knowledge.

Timetable:

Action	Date	FR Cite
NPRM	08/03/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/03/90

Additional Information: Project No. AVS-87-190R.

Agency Contact: Leslie K. Vipond, General Aviation and Commercial Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3269

RIN: 2120–AD09

1947. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would propose changes to the airframe and flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on a number of recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984. This action arises from the recognition that updated safety standards are needed for an acceptable level of safety in the design requirements for small airplanes used in both private and commercial operations. This action will include design requirements applicable to advancements in technology being incorporated in current designs and will reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. ACE-84-012R.

Agency Contact: Bobby Sexton, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610

East 12th Street, Kansas City, Missouri 64106, 816 426-5688

RIN: 2120–AD20

1948. MAINTENANCE RECORDING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

CFR Citation: 14 CFR 91; 14 CFR 121

Legal Deadline: None

Abstract: This rulemaking action would clearly define the recordkeeping requirements related to airworthiness directives and life-limited parts. This rulemaking would also specifically identify and describe the types of records which would be acceptable to the FAA and the required retention period for these records.

Timetable:

Action	Date	FR Cite
NPRM	06/07/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/07/90

Additional Information: Project No. AXR-89-181-R.

Agency Contact: George H. Johnson, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3798

RIN: 2120–AD25

1949. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1472; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice would clarify the recently adopted standards concerning the flammability of components used in the cabins of certain transport category airplanes. These clarifications would be applicable to air carriers, air taxi operators and commercial operators, as well as manufacturers of such airplanes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. ANM-88-024R.

Agency Contact: Gary Killion, Manager, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120–AD28

1950. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would propose changes to the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on certain proposals and recommendations discussed at the Small Airplane Airworthiness Review Conference held in St. Louis, Missouri, on October 22-26, 1984. These proposals arise from the recognition, by both government and industry, that updated safety standards are needed to maintain an acceptable level of safety in the design requirements for small airplanes that are used in both private and commercial operations. These proposals, if adopted, will include design requirements applicable to advancements in technology being incorporated in current designs and reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. ACE-84-011R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AD30

1951. DESIGNATED ENGINEERING ORGANIZATION AUTHORIZATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1651; 49 USC 1857; 49 USC 106(g)

CFR Citation: 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by combining and amending the Delegation Option Authorization Procedures, the Designated Alteration Station Authorization Procedures, and the Development of Major Repair Data into a revised Subpart J of Part 21 entitled "Designated Engineering Organization Authorization Procedures (DEO).

This action would: (1) broaden existing delegation of aircraft certification and approval functions to organizations in the United States; (2) extend these functions to domestic organizations which possess the necessary technical and managerial qualifications specified in revised Subpart J of Part 21; (3) improve the standardization and reduce the long-term cost of FAA certification and approval functions; and (4) result in DEO conducted programs that are equivalent in safety and compliance to standard FAA conducted programs.

Timetable:

Action	Date	FR Cite
NPRM	10/26/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/26/90

Additional Information: Project No. AVS-85-249R.

Agency Contact: George Marania, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9589**

RIN: 2120–AD31

1952. REQUIREMENTS FOR AIRCRAFT PROTECTION IN HIGH ENERGY RADIATED ELECTROMAGNETIC FIELDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by adding a new requirement for the protection of electrical and electronic systems in high energy radiated electromagnetic fields.

Timetable:

Action	Date	FR Cite
NPRM	11/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/16/90

Additional Information: Project No. AVS-89-180R.

Agency Contact: Abbas Rizvi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9564**

RIN: 2120–AD32

1953. DEPRESSURIZATION EVALUATION OF STRUCTURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would develop a retroactive requirement for transport category airplanes that would require that normally unpressurized areas and compartments be able to withstand the effects of the required depressurization failure conditions that have been applied to the pressurized compartments.

Timetable:

Action	Date	FR Cite
NPRM	09/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/04/90

Additional Information: Project No. ANM-88-008R.

Agency Contact: Jim Haynes, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AD35

1954. USE OF INERT GAS FOR TIRE INFLATION IN LIEU OF AIR

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations to require the servicing of airplane tires with nitrogen, in lieu of air, as the need to fill or service the tires occurs. This action is prompted by three confirmed, and other suspected, cases in which the oxygen in air-filled tires combined with volatile gases given off by a severely overheated tire, and exploded upon reaching autoignition temperature. A tire explosion in the wheel well during flight is suspected in the catastrophic loss of one airplane and severe damage to two others. An Airworthiness Directive has been adopted which affects current large transport category airplanes. The changes proposed in this rulemaking would extend the provisions of the Airworthiness Directive to future transport category airplanes.

Timetable:

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7876
NPRM Correction	03/21/90	55 FR 10467
NPRM Comment Period End	09/03/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Project No. ANM-87-027R.

Agency Contact: Gary D. Lium, Regulations Branch, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2118**

RIN: 2120–AD37

1955. DESIGN STANDARDS FOR AIRPLANE JACKING AND TIE-DOWN PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed new design standards for airplane jacking and tie-down provisions for transport category airplanes. This proposal is needed to provide manufacturers of transport category airplanes with design standards for jacking conditions and is intended to provide protection of the airplane primary structure during wind gust conditions during jacking operations and while tied down.

Timetable:

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4790
NPRM Comment Period End	08/08/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/09/90 (55 FR 4790)

Additional Information: Project No. ANM-84-006R. This project was formerly entitled Airplane Jacking Loads.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120–AD38

1956. BIRD STRIKE DAMAGE ASSESSMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by upgrading the standards for protecting transport category airplanes from bird impact damage by requiring that airplanes be designed such that: (1) only minor damage would result from impact with a 4-pound bird and (2) the airplane would be capable of continued safe flight and landing after impact with an 8-pound bird. These standards are needed because of possible vulnerability of new technology flight controls, flight instruments, and flight structures to bird strike damage. These proposed changes are based on research and service experience and are intended to improve survivability of the airplane by providing better protection of critical structures and systems.

Timetable:

Action	Date	FR Cite
NPRM	09/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/04/90

Additional Information: Project No. ANM-87-037R.

Agency Contact: Iven Connally, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2118**

RIN: 2120–AD39

1957. 1-G STALL SPEED AS A BASIS FOR COMPLIANCE WITH PART 25

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 36

Legal Deadline: None

Abstract: The low speed stalling features of some transport category airplanes are not characterized by the nose-down pitching that has traditionally identified the stall. As a result, the stall speed can be demonstrated to an artificially low level by continuing to decrease speed to the point that the airplane load factor is substantially less than one. The maximum usable power level may vary considerably with flight conditions. To correct this problem, this action would propose the use of a 1-G stall speed in all areas of Parts 25 and 36.

Timetable:

Action	Date	FR Cite
NPRM	07/20/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/20/90

Additional Information: Project No. ANM-86-041R.

Agency Contact: James Haynes, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2118**

RIN: 2120–AD40

1958. ● PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 100-223

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: This notice would propose to implement Section 511(a)(17) of the Airport and Airway Improvement Act of 1982, as amended in 1987, by adding a requirement for the participation of disadvantaged business enterprises (DBE) in airport concessions. This notice would also amend the Department of Transportation's existing DBE regulation, 49 CFR Part 23, by adding a Subpart F.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Irene H. Mields, General Legal Services Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3473**

RIN: 2120–AD41

1959. ● 61-KNOT STALL SPEED; STALL SPEEDS FOR SINGLE-ENGINE AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice would propose changes to the airworthiness standards which would relieve the 61-knot stall speed requirement applicable to single-engine airplanes.

Timetable:

Action	Date	FR Cite
NPRM	02/18/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ACE-83-006R.

Agency Contact: Earsa Tankesley, Manager, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation

Administration, 601 East 12th Street, Kansas City, Missouri 64106, 816 926-6930

RIN: 2120–AD48

1960. ● DISTANCE REMAINING MARKERS AND FRICTION MEASUREMENT PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations to include a requirement for distance remaining markers on certain runways and a requirement for a friction measurement program at airports with certain activity levels.

Timetable:

Action	Date	FR Cite
NPRM	02/18/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AAS-89-132R.

Agency Contact: Edward Rancourt, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8723

RIN: 2120–AD51

1961. ● VISUAL FLIGHT RULES OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1248(a); 49 USC 1345(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice would propose to eliminate the navigational equipment requirement for any aircraft conducting operations in a terminal control area under visual flight rules.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-90-029R.

Agency Contact: Robert Laser, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AD53

1962. ● 1990 GOODWILL GAMES TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to establish temporary flight restrictions for aircraft operations within designated airspace areas overlying competition sites and other locations during the 1990 Goodwill Games to be held in Seattle, Washington. These restrictions are necessary for the security and protection of participating athletes and other dignitaries who will be attending the Goodwill Games and to prevent an unsafe congestion of sightseeing and other aircraft over those locations which may generate a high degree of public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-90-112R.

Agency Contact: Richard Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9667

RIN: 2120–AD54

1963. ● TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to revise the criteria governing aircraft operations within a temporary flight restriction area by establishing minimum aircraft distances which pilots will have to maintain from surface rescue/search activities.

Timetable:

Action	Date	FR Cite
NPRM	02/07/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-89-009R.

Agency Contact: Robert Laser, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AD55

1964. ● PARACHUTE EQUIPMENT AND PACKING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 105

Legal Deadline: None

Abstract: This notice would propose to amend Part 105 of the Federal Aviation Regulations to permit general use of approved dual harness and parachute packs.

Timetable:

Action	Date	FR Cite
NPRM	08/02/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/02/90

Additional Information: Project Number AVS-86-102R.

Agency Contact: Melvin Cooper, Office of Flight Standards Service, Department

DOT—FAA **Proposed Rule Stage**

of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3788

RIN: 2120–AD57

1965. ● NOISE REQUIREMENTS FOR PRIMARY CATEGORY AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This notice would propose to clarify the noise requirements applicable to primary category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	08/13/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AXR-90-111R.

Agency Contact: Anthony Moore, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9595

RIN: 2120–AD58

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

1966. + PILOT, FLIGHT INSTRUCTOR, AND PILOT SCHOOL CERTIFICATION RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 141

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations governing pilot initial and recurrent training and the operations of FAA certificated pilot schools. This rulemaking action is the result of concerns identified by the National Transportation Safety Board and the public and issues raised in petitions for exemption from the the regulations. This action would update standards of pilot performance and respond to technological advances in pilot training since the current rules were issued. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Hearings	06/27/88	53 FR 24178
Comment Period Extended	08/05/88	53 FR 29582
Comment Period Extended	12/05/88	53 FR 49072
NPRM	05/26/89	54 FR 22852
NPRM Comment Period End	08/24/89	
Final Action	07/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/26/89 (54 FR 22852)

Additional Information: RIN 2120-AB14 has been combined into this review.

This project was formerly titled Review of Part 61, 141, 143, Pilot, Pilot School, and Ground Instructor Rules.

Project No. AVS-88-244R.

Agency Contact: John D. Lynch, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AB12

1967. + PRIMARY CATEGORY AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f); 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This action proposes to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the NPRM proposed simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9738
NPRM Comment Period End	09/07/89	
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/07/89 (54 FR 9738)

Additional Information: Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

Project No. AVS-83-133R.

Agency Contact: Lyle Davis, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9583

RIN: 2120–AB53

DOT—FAA

Final Rule Stage

1968. + FUEL VENTING AND EXHAUST-EMISSION REQUIREMENTS FOR TURBINE-ENGINE POWERED AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1341(a); 49 USC 106(g); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 11; 14 CFR 21; 14 CFR 23; 14 CFR 25; 14 CFR 45; 14 CFR 91

Legal Deadline: None

Abstract: Special Federal Aviation Regulation (SFAR) 27 prescribes standards and test procedures for fuel venting and exhaust emissions for the turbine powered airplanes. This proposal would replace SFAR 27, as amended through SFAR 27-6, with a new Part 34 of the Federal Aviation Regulations which will include all of the standards and test procedures of 40 CFR 87 previously included in SFAR 27. This will codify in a single part all of the applicable requirements of 40 CFR 87, Control of Air Pollution from Aircraft and Aircraft Engines; Emissions Standards and Test Procedures, as amended, December 30, 1982, and insert requirements to comply with Part 34 in the other affected Parts where applicable. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18530
NPRM Comment Period End	06/22/88	
Final Action	06/28/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18530)

Additional Information: Project No. AEE-89-217R.

Agency Contact: Harvey H. Van Wyen, Manager, Research and Engineering Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3558

RIN: 2120–AC62

1969. + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Regulatory Program

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.
PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

Abstract: This action proposes new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to US-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Final Action	06/18/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890)

Additional Information: Project No. AVS-85-265R.

Agency Contact: John Petrakis, Department of Transportation, Federal Aviation Administration, Office of Air Worthiness, 800 Independence Ave., SW., Washington, DC 20591, 202 267-9574

RIN: 2120–AC72

1970. + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.
PL 100-223 Sec 303

Abstract: The FAA proposes to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650)

Additional Information: Docket 25611. Project No. AVS-88-136R.

Agency Contact: Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9937

RIN: 2120–AC84

1971. + SPECIAL FEDERAL AVIATION REGULATION; ADVANCED QUALIFICATION PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49

USC 1427; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This proposed Special Federal Aviation Regulation (SFAR) would establish a voluntary alternative method for meeting the training, evaluation, certification, and qualification requirements for flight crewmembers, flight attendants, aircraft dispatchers, instructors, evaluators, and other operations personnel subject to the training requirements of 14 CFR Part 121 and Part 135. The FAA has developed this alternative method in response to recommendations made by a task force composed of representatives from the Government, airlines, aircrew professional organizations, and airline industry organizations. The proposed SFAR is designed to improve aircrew performance and would allow certificate holders that are subject to the training requirements of Part 121 and Part 135 to develop innovative training programs that incorporate the most recent advances in training methods and techniques. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7670
NPRM Comment Period End	04/24/89	
Final Action	05/28/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Analysis: Regulatory Evaluation 02/22/89 (54 FR 7670)

Additional Information: Project No. AVS-88-281R.

Agency Contact: David L. Catey, Manager, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8094

RIN: 2120–AC85

1972. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes amendments to the FAR which would provide for improved cabin fire protection for transport category airplanes by requiring: (1) each lavatory to be equipped with a smoke detector system which provides warning to the cockpit or to the passenger cabin crew; (2) each lavatory trash receptacle to be equipped with a fire extinguisher which discharges automatically upon the occurrence of a fire within the receptacle; (3) the number of hand fire extinguishers in the cabins of airplanes with passenger seating capacities greater than 200 to be increased; (4) a specified number of the hand fire extinguishers in the cabin to contain Hallon 1211 or equivalent as the extinguishing agent. These safety protections are currently required for operation of airplanes used in air carrier service, but not for the full range of transport category airplanes such as those used for executive transportation. This notice also proposes to require each transport category (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1292
NPRM Comment Period End	07/10/89	
Final Action	08/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/12/89 (54 FR 1292)

Additional Information: ABSTRACT CONT: airplane manufactured after a specified date to incorporate these improvements. These proposals are needed to respond to investigations of inflight fires and an inspection survey of the U.S. air carrier fleet, and are needed to increase protection against possible inflight fires. This rulemaking is significant because of substantial public interest.

Project No. ANM-83-027R.

Agency Contact: Gary L. Killion, Manager, Regulations Branch, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120–AB22

1973. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system and is considered significant because of its involvement with important Department of Transportation policies.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/84 (49 FR 33082)

Additional Information: Docket No. 24206.

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AB42

1974. + PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 119; 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes to amend the Federal Aviation Regulations to update, clarify, and consolidate into one part, new Part 119, the certification and operations specifications requirements for persons who conduct passenger-carrying or cargo-carrying air operations for compensation or hire. Significant changes include defining what must be included in operations specifications; defining "scheduled" and "domestic" operations; increasing the lead-time period for application for a certificate; defining a "wet lease" operation; including in the regulations criteria to determine who has operational control of an operation; and standardizing the requirements and qualifications for management personnel. This action is needed to establish permanent minimum safety standards following the "sunset" of the Civil Aeronautics Board on December 31, 1984, and the enactment of the Airline Deregulation Act of 1978. This action would also replace SFAR 38, as amended, which has provided interim certification and operations specifications regulation. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/12/88 (53 FR 39852)

Additional Information: Project No. AVS-84-190R.

Agency Contact: Michael J. Coffey, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, **202 267-3750**

RIN: 2120–AC08

1975. + FLIGHT ATTENDANT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15134
NPRM Comment Period End	07/13/89	
Final Action	09/24/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/14/89 (54 FR 15134)

Additional Information: Project No. AVS-86-077R.

Agency Contact: David L. Catey, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8096**

RIN: 2120–AC32

1976. + PILOTS CONVICTED OF ALCOHOL- OR DRUG-RELATED MOTOR VEHICLE OFFENSES OR SUBJECT TO STATE MOTOR VEHICLE ADMINISTRATIVE PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 67

Legal Deadline: None

Abstract: This notice proposed rules under which two or more alcohol- or drug-related motor vehicle convictions or related State administrative actions would be grounds for certificate action against a pilot. This notice also proposed rules under which a pilot's medical certificate would expire, requiring that the pilot apply for a new medical certificate, after an alcohol- or drug-related motor vehicle action. The notice proposed to require pilots to report alcohol- or drug-related motor vehicle actions to the FAA and proposed to add an express consent provision to facilitate FAA access to information reported to the National Driver Register. The proposed rules are needed to prohibit a pilot from operating an aircraft after multiple alcohol- or drug-related motor vehicle actions. This rulemaking is a significant FAA initiative based on the Department of Transportation/Inspector General Report of February 17, 1987, entitled "Report on Audit of Airmen Medical Certification Program."

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21580
NPRM Comment Period End	07/17/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/18/89 (54 FR 21580)

Additional Information: Formerly entitled Pilots Convicted of Driving While Intoxicated (DWI)/Under Influence (DUI). Project No. AVS-87-115R.

Agency Contact: Judie Craine, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9681**

RIN: 2120–AC51

DOT—FAA

Final Rule Stage

1977. + INDEMNIFICATION OF PUBLISHERS OF AERONAUTICAL CHARTS AND MAPS

Significance: Agency Priority

Legal Authority: 5 USC 301; 28 USC 2672; 28 USC 2675; 49 USC 1354; 49 USC 1519; 49 USC 106(g)

CFR Citation: 49 CFR 15

Legal Deadline: None

Abstract: This action would establish regulations to provide for the indemnification of a publisher of aeronautical charts or maps if the publisher is liable for tort damages as a result of defective or deficient flight procedures or airways promulgated by the FAA and accurately depicted by the publisher on a chart or map. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31608
NPRM Comment Period End	10/03/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31608)

Additional Information: This action is in response to an amendment of 49 USC 1519, which added a new Section 1118 to the Federal Aviation Act of 1978, as amended.

Agency Contact: James S. Dillman, Assistant Chief Counsel, Litigation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3661

RIN: 2120–AC73

1978. + MINIMUM EQUIPMENT LIST (MEL) REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to amend Part 125 and Part 135 requirements for the use of a Minimum Equipment List (MEL). It also proposed to amend the Part 121 requirements for the use of a MEL to make them consistent with the amended Part 125 and Part 135 MEL requirements. Finally, it provides for the development and use of MELs for single-engine aircraft operated under Part 135. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3320
NPRM Comment Period End	03/24/89	
Reopened Comment Period to 4/26/89	03/27/89	54 FR 12553
Final Action	07/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/23/89 (54 FR 3320)

Additional Information: Project No. AVS-87-271R.

Agency Contact: Marlene G. Livack, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3753

RIN: 2120–AC86

1979. + ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR AIRPORT TRAFFIC CONTROL TOWER FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 170

Legal Deadline: Final, Statutory, December 31, 1988.

Abstract: This rulemaking would prescribe benefit-cost based criteria for establishment and discontinuance of visual flight rule (VFR) airport traffic control tower facilities. It considers traffic density (number of aircraft operations without consideration of aircraft size), passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining or decommissioning a tower. The FAA utilizes these criteria to assess benefits and costs associated with establishing or decommissioning an airport traffic control tower at an airport as a part of its mission to maximize safety and efficiency throughout the airport and airway system consistent with available resources. This regulation, if promulgated, would implement the requirements of recent legislation requiring the publication of criteria for navigational aids and airport traffic control towers as a Federal regulation. This rulemaking is significant because of statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22698
NPRM Comment Period End	07/08/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/25/89 (54 FR 22698)

Additional Information: Project No. APO-88-012R.

Agency Contact: Ward Keech, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3312

RIN: 2120–AC98

1980. + NAVIGATIONAL EQUIPMENT REQUIREMENT IN A TERMINAL CONTROL AREA, VISUAL FLIGHT RULES OPERATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action proposes to remove the navigational equipment requirement for operations conducted under visual flight rules in a terminal control area and recognizes the usefulness of other types of navigation

equipment for visual flight rules operations. This proposal would codify existing practices into the Federal Aviation Regulations, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26782
NPRM Comment Period End	07/26/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/26/89 (54 FR 26782)

Additional Information: Project Number ATO-89-011R.

Agency Contact: Robert L. Laser, Air Traffic Rules Branch, Airspace-Rules/Aeronautical Information Div., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AD15

1981. + AIRBORNE LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to amend the airborne low-altitude windshear equipment rule to: (1) remove the requirement that windshear flight guidance be installed on older airplanes; (2) amend the provision allowing for an extended compliance period based on a phased airplane retrofit schedule; and (3) provide for acceptance of alternative airplane equipment in the form of an approved airborne windshear detection and avoidance system.

This proposed amendment is based, in part, on information contained in a petition for rulemaking dated June 1, 1989, submitted by the Air Transport Association. The information was not available to the FAA when it was formulating the windshear equipment rule.

This notice solicits public comments on the issues presented in ATA's petition to assist the FAA in determining the merit of this proposal.

This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34394
NPRM Comment Period End	09/18/89	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/18/89 (54 FR 34394)

Additional Information: Project Number AXR-89-248P.

Agency Contact: Gary Davis, Project Development Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AD18

1982. + TCAS II IMPLEMENTATION SCHEDULE

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This rulemaking would revise the schedule for installing traffic alert and collision avoidance systems (TCAS II) on airplanes with more than 30 passenger seats. The TCAS II system will provide a collision avoidance capability that operates independently of the ground-based air traffic control system and in areas where there is no air traffic control coverage. Congress recently passed legislation permitting an extension of the schedule. This action would implement that legislation, reduce the prospect that carriers will divert critical maintenance and modification resources away from other safety programs to meet the TCAS II schedule, and allow the FAA to evaluate operation of TCAS II in the total air traffic control environment. This rulemaking is significant because of substantial Congressional and public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	07/10/89	54 FR 28978
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AXR-89-280R. Project was formerly entitled TCAS II and Windshear Implementation Schedules.

Agency Contact: Frank Rock, Aircraft Engineering Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9567

RIN: 2120–AD23

1983. ● + SUSPENSION OF CERTAIN AIRCRAFT OPERATIONS FROM THE TRANSPONDER WITH AUTOMATIC PRESSURE ALTITUDE REPORTING CAPABILITY REQUIREMENT

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This rulemaking would suspend certain provisions of the regulation which require the installation and use of automatic altitude reporting transponders. This suspension would allow certain aircraft operations in the airspace within 30 miles of a terminal control area primary airport to be conducted without an automatic altitude reporting transponder. This rulemaking is considered significant because of substantial public interest.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-90-085R.

Agency Contact: William C. Davis, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AD52

1984. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	
Final Action	06/14/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 12/03/84 (49 FR 47358)

Additional Information: Docket No. 24344. Project No. ANM-82-001R.

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2112

RIN: 2120–AA47

1985. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781. Project No. AVS-81-128R.

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9683

RIN: 2120–AA50

1986. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES, ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This action would establish requirements for the certification of electrical and electronic engine control systems. These control systems range from simple power or thrust trimming devices with full hydromechanical backup to full authority digital electronic controls with no mechanical backup. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls such as engine supplied power and data, lightning protection, high energy radio frequency protection, and software verification/validation.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Additional Information: Project No. ANE-83-001R.

Agency Contact: Cosimo J. Bosco, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 270-2492

RIN: 2120–AB06

1987. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49

USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action contemplates possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	
Final Action	03/01/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No 25213. Project No. ANM-83-039R.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2135

RIN: 2120–AB46

1988. CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Significance: Nonsignificant

Legal Authority: 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: This notice proposes to amend the FAR Notice of Construction, Alteration, Activation, and Deactivation of Airports, in response to a recommendation of a National Airspace Review (NAR) task group and an FAA-initiated review of this regulation. The FAA believes that the proposed changes will enhance the safety and efficiency of the use of airspace and the safety of persons and property on the surface.

Timetable:

Action	Date	FR Cite
NPRM	10/04/88	53 FR 39062
NPRM Comment Period End	01/03/89	
Final Action	07/23/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/04/88 (53 FR 39062)

Additional Information: Regulatory Project ATO-200-86-13R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AB74

1989. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: This notice proposes to amend the regulations to provide for the acceptance of maintenance, preventive maintenance, and alterations accomplished on U.S. civil aeronautical products and components in Canada. This proposal is prompted by the airworthiness maintenance provisions contained in the U.S.-Canadian Bilateral Airworthiness Agreement and the Schedule of Implementation Procedures between the United States and Canada. The proposed amendment would provide for acceptance by the FAA of maintenance, preventive maintenance, and alterations performed on aircraft, engines, propellers, appliances, materials, parts, and other components which are transported from the United States to Canada and which are for installation on U.S.-registered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24304
NPRM Comment Period End	08/07/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/89 (54 FR 24304)

Additional Information: Project No. AVS-83-258R.

Agency Contact: Leo Weston, Aircraft Maintenance Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-8203

RIN: 2120–AB89

1990. AIRWORTHINESS STANDARDS; NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice responds to a petition for rulemaking from Aerospace Industries Association of America, Inc., and proposes to amend the Federal Aviation Regulations to incorporate new one-engine-inoperative (OEI) power ratings for multiengine, turbine-powered rotorcraft. If adopted, this proposal would enhance rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39086
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/22/89 (54 FR 39086)

DOT—FAA

Final Rule Stage

Additional Information: Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

Agency Contact: Ray Twa, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5158

RIN: 2120–AB90

1991. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 5

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: This notice is one of a series of notices that proposes to adopt new and amended airworthiness standards for small airplanes. It also proposes to amend the flight instrument requirements in the general operating rules and the operating rules for air taxi and commercial operators. This particular notice proposes amended design requirements for complex systems critical for safety in small airplanes and amended requirements for locating certain instruments, including new technology electronic display indicators. It proposes to add a new airworthiness standard for electronic display instruments. It also includes related changes to the general and air taxi operating rules to allow a third attitude indicator in lieu of a rate-of-turn indicator.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9338
NPRM Comment Period End	07/05/89	
Final Action	09/14/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/89 (54 FR 9338)

Additional Information: Formerly entitled Part 23 Airworthiness Review Notice 5 (Equipment, Systems, and Installation).

Project No. ACE-85-006R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-5688

RIN: 2120–AC14

1992. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE 2

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 23

Legal Deadline: None

Abstract: This notice is one of a series of notices that proposes to adopt new and amended airworthiness standards for small airplanes which are based on certain proposals discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984, in St. Louis, Missouri. These new and amended airworthiness standards result in the need for new definitions to be added to the regulations, and this notice also proposes the addition of those definitions. The proposals in this notice reflect advancements in technology being incorporated in current designs, permit type certification of spin resistant airplanes, and reduce the regulatory burden in showing compliance with some of the requirements while maintaining the standards governing the design and type certification of small airplanes as may be required in the interest of safety.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9276
NPRM Comment Period End	07/05/89	
Final Action	11/12/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/89 (54 FR 9276)

Additional Information: Formerly entitled Part 23 Airworthiness Review, Notice 2.

Project No. ACE-84-010R.

Agency Contact: Ervin E. Dvorak, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120–AC15

1993. ROTORCRAFT REGULATORY CHANGES BASED ON EUROPEAN JOINT AIRWORTHINESS REQUIREMENTS PROPOSAL

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice proposes changes to the type certification requirements for both normal and transport category rotorcraft. The changes would revise airworthiness standards for systems, propulsion, and airframes and would introduce safety improvements, clarify existing regulations, and standardize terminology. The changes are based on some of the proposals that were submitted to the FAA by the European Joint Airworthiness Requirements 29 group. These proposals are intended to encourage the European community's acceptance of the Federal Aviation Regulations' rotorcraft type certification requirements and to obviate the development of a new and different European standard. Adoption of these changes will achieve increased commonality of airworthiness standards among the respective countries.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17936
NPRM Comment Period End	10/23/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17936)

Additional Information: Former title Rotorcraft Certification Requirements, Coordination with European Airworthiness Authorities Steering Committee (AASC). Project No. ASW-83-017R.

DOT—FAA

Final Rule Stage

Agency Contact: R. T. Weaver, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AC27

1994. IMPROVED STRUCTURAL REQUIREMENTS FOR PRESSURIZED CABINS AND COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend Part 25 of the Federal Aviation Regulations (FAR) to upgrade the structural requirements for transport category airplane pressurized cabins by (1) amending the criteria for evaluation of the secondary effects of openings in the pressure vessel, and (2) extending the area of consideration to include openings anywhere within the pressure vessel. The required opening sizes to be considered would not be changed. The proposal is the result of an FAA review of the pressurized cabin load requirements and is intended to make the pressurized cabin load requirements less design-dependent and more objective. It would require evaluation of openings in any pressurized compartment and examination of the effects of differential pressure loads on any critical structure inside or outside of the pressurized cabin.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8742
Correction to NPRM	05/19/88	53 FR 18022
NPRM Comment Period End	07/14/88	
Final Action	06/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/16/88 (53 FR 8742)

Additional Information: Project No. ANM-86-005R.

Agency Contact: James Haynes, Policy and Procedures Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2113

RIN: 2120–AC44

1995. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposed to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight crew take no active role in the demonstration and by changing the age/sex distribution requirement for demonstration participants. This notice also proposed to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37414
NPRM Comment Period End	01/08/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/08/89 (54 FR 37414)

Additional Information: Project No. ANM-87-010R.

Agency Contact: Frank Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC45

1996. REALIGNMENT OF RESTRICTED AREAS IN THE EGLIN AFB AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1348(a); EO 10854; 49 USC 106(g); 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 1510; 49 USC 1522; 49 USC 2402; 49 USC 2424

CFR Citation: 14 CFR 73; 14 CFR 93

Legal Deadline: None

Abstract: This revision proposes to realign restricted areas in the Eglin AFB area to increase the availability of airspace for civil users. In addition, certain portions of the realigned restricted areas would be available, when not active under Section 93.81, Special Air Traffic Rule Airspace.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 517
NPRM Comment Period End	02/19/88	53 FR 517

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/88 (53 FR 517)

Additional Information: Regulatory Project No. ATO-200-87-11P

Agency Contact: Paul Gallant/Wayne Pierce, Air Traffic Control Specialists, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9253

RIN: 2120–AC63

1997. COMMUTER CATEGORY - RESPONSE TO FINAL RULE COMMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would respond to and resolve comments received in response to the final rule, request for comments, which was published January 15, 1987 (52 FR 1806).

DOT—FAA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ACE-88-003R.

Agency Contact: Earsa L. Tanksley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SWtion, Washington, DC 20591, **816 426-6930**

RIN: 2120–AC77

1998. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This proposal is the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. It seeks to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 23164
NPRM Comment Period End	09/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/30/89 (54 FR 23164)

Additional Information: Project No. ANM-86-014R.

Agency Contact: Gene Vandermolen, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2157**

RIN: 2120–AC81

1999. LANDING GEAR AURAL WARNING

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplane landing gear aural warning systems and the operating rules for using transport category airplanes to update the present requirements. This proposal is prompted by reports of nuisance or inappropriate aural warnings which have occurred in modern transport airplanes which adhere strictly to the present regulations. It is intended to align the regulations with existing design practices thereby removing the regulatory burden associated with making an equivalent level of safety finding or exemption for those systems that do not meet the existing requirements. This proposal will not affect existing certificated airplanes.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 34116
NPRM Comment Period End	02/13/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/17/89 (54 FR 34116)

Additional Information: Project No. ANM-86-008R.

Agency Contact: Gene Vandermolen, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2114**

RIN: 2120–AC82

2000. PROPOSED ESTABLISHMENT OF THE WASHINGTON TRI-AREA TCA AND REVOCATION OF THE WASHINGTON, DC, TCA AND AIRPORT RADAR SERVICE AREAS AT BALTIMORE-WASHINGTON AND DULLES AIRPORTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice proposed to establish a Terminal Control Area (TCA) in the greater Baltimore/Washington, DC, area. Because the TCA would serve airports located in three different areas (Washington, DC, Maryland, and Virginia) the TCA would be established as the Washington TRI-Area TCA. The TCA would encompass four major airports: Andrews Air Force Base, Baltimore-Washington International, Dulles International, and Washington National. The TCA would consist of airspace from the surface or higher within a 20-mile radius of each airport up to and including 10,000 feet above mean sea level. This action is intended to increase the capability of the air traffic control system to separate all aircraft in the terminal airspace around these airports and to substantially increase safety while accommodating the legitimate concerns of airspace users.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1544
NPRM Comment Period End	03/16/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/16/90 (55 FR 1544)

Additional Information: Formerly entitled Proposed Establishment of the Dulles Terminal Control Area; Virginia.

RIN 2120-AD06, Proposed Establishment of the Baltimore, Maryland, Terminal Control Area, has been incorporated into this project.

Agency Contact: Jesse Bogan, Air Traffic Operations Service, Department of Transportation, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9253

RIN: 2120–AD01

2001. PROPOSED ESTABLISHMENT OF THE TAMPA TERMINAL CONTROL AREA AND REVOCATION OF THE TAMPA INTERNATIONAL AIRPORT, AIRPORT RADAR SERVICE AREA; FLORIDA

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice proposes to establish a Terminal Control Area (TCA) at the Tampa International Airport, Florida. The TCA would consist of airspace from the surface up to 10,000 feet mean sea level within a 5-nautical-mile arc based on the Tampa International Airport, airport surveillance radar site located on the airport. The TCA extends outward to 30 nautical miles with altitude restrictions from 6,000 to 10,000 feet mean sea level. Establishment of this TCA would impose certain operating rules and pilot/equipment requirements, including requirements for an operable two-way radio, a 4096 transponder with automatic altitude-reporting equipment, an operable very high frequency omnidirectional radio range or tactical air navigational aid receiver, and restrictions on student pilot operations. This action is intended to increase the capability of the air traffic control system to separate all aircraft in the terminal airspace around the Tampa International Airport. Tampa International Airport is currently served by an Airport Radar Service Area which would be rescinded concurrent with the establishment of this TCA.

Timetable:

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42694
NPRM Comment Period End	12/15/89	
Correction to NPRM	12/19/89	54 FR 51896
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/89 (54 FR 42694)

Additional Information: This project was formerly entitled Proposed Establishment of the Tampa, Florida, Terminal Control Area.

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD07

2002. AIRPORT CERTIFICATION AND OPERATIONS; CLARIFICATION OF VARIOUS PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice proposed changes to the certification and operation regulations of land airports serving air carriers. These actions regarding certification requirements and the control of ground vehicles on an airport are necessary for consistency with existing operating regulations and to address concerns that the current language appears to place undue responsibility and liability on certificate holders. The proposed changes are intended to permit use of uncertificated airports, by air carriers in unscheduled service, in certain situations and clarify responsibility for compliance with airport rules for the operation of ground vehicles by individual tenants, contractors, and employees.

Timetable:

Action	Date	FR Cite
NPRM	10/18/89	54 FR 42912
NPRM Comment Period End	12/18/89	
Final Action	06/28/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AAS-88-365P.

Agency Contact: Edward Rancourt, Airport Safety and Operations Division, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8723

RIN: 2120–AD10

2003. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES; PROPOSAL FOR NEW ONE-ENGINE-INOPERATIVE RATINGS, DEFINITIONS, AND TYPE CERTIFICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 33

Legal Deadline: None

Abstract: The Aerospace Industries Association of America, Inc., petitioned the FAA to provide new one-engine-inoperative ratings for rotorcraft engines and their application to rotorcraft. This notice responds to that petition and proposes to define and establish type certification standards for new one-engine-inoperative ratings for rotorcraft engines.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39080
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/89 (54 FR 39080)

Additional Information: Project No. ANE-85-001R.

Agency Contact: Donald F. Perrault, Engine and Propeller Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, 617 273-7081

RIN: 2120–AD21

2004. AIRPLANE ENGINE COWLING RETENTION

Significance: Nonsignificant

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

Timetable:

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/89 (54 FR 38610)

Additional Information: Project No. ANM-87-004R.

Agency Contact: Mike Pasion, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2116

RIN: 2120–AD34

2005. VIBRATION, BUFFET AND AEROELASTIC STABILITY REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to revise the airworthiness standards for transport category airplanes concerning flutter, divergence, vibration, and buffet. It would clarify the requirement to consider flutter and divergence when treating certain damage and failure conditions required by other sections of the Federal Aviation Regulations. It would revise the required safety margins by slightly reducing the safety margin concerning airplane speed for normal configurations and providing a minimum safety margin concerning airplane speed for damage and failure configurations. These changes are intended to provide consistency with other sections of the Federal Aviation Regulations, to relieve a design burden which is now unnecessary as a result of advances in technology, and to improve certain safety margins as a result of the evolution in the design of transport airplanes.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37768
NPRM Comment Period End	03/12/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/12/89 (54 FR 37768)

Additional Information: Project No. ANM-86-024R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2113

RIN: 2120–AD36

2006. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 04/00/90 - 04/00/91.

Timetable:

Action	Date	FR Cite
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8277

RIN: 2120–AA63

2007. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 04/00/90 - 04/00/91.

Timetable:

Action	Date	FR Cite
Final Action	04/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9580

RIN: 2120–AA64

2008. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current.

DOT—FAA

Final Rule Stage

Total actions expected--2800. 04/00/90 - 04/00/91.

Timetable:

Action	Date	FR Cite
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8277

RIN: 2120–AA65

2009. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--240.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3075

RIN: 2120–AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

2010. + TRANSPONDER REQUIREMENTS IN AN AIR DEFENSE IDENTIFICATION ZONE (ADIZ)

Significance: Regulatory Program

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This action establishes requirements for all civil aircraft to be equipped with a transponder (basic transponder or Mode S transponder) with automatic altitude reporting equipment when conducting operations into or out of the United States into, within, or across the contiguous United States Air Defense Identification Zone. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/86	51 FR 4756
ANPRM Comment Period End	04/10/86	
NPRM	10/12/88	53 FR 39846
NPRM Comment Period End	11/14/88	
Final Action	03/07/90	55 FR 8390
Final Action Effective	04/06/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 03/07/90 (55 FR 8390)

Additional Information: Regulatory Project ATO-200-85-8R (Docket # 24903).

Agency Contact: Reginald C. Matthews, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AB99

2011. + EXIT ROW SEATING

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 2355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final rule regulates exit-row seating in aircraft operated by U.S. air carrier and commercial operators (certificate holders), except on-demand air taxis with nine or fewer passenger seats. Only persons who are determined by the certificate holder to be able, without assistance, to activate an emergency exit and to take the additional actions needed to ensure safe use of that exit in an emergency are seated in exit rows. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10484
NPRM Comment Period End	06/12/89	
Final Action	03/06/90	55 FR 8054
Final Action Effective	04/05/90	
Compliance Date	10/05/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8054)

Additional Information: This issue will also be subsumed within the Regulatory Program proceeding entitled Nondiscrimination on the Basis of Handicap (Air Travel), RIN 2105-AA18. Project No. AVS-88-127R.

Agency Contact: Irene Mields, Senior Attorney, General Legal Services Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-3473

RIN: 2120–AC75

2012. + AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT STRUCTURAL FATIGUE EVALUATION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49

USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This final rule amends the type certification standards for transport category rotorcraft by adding flaw tolerance requirements to the requirements for fatigue evaluation of structures. This rule also extends the requirements for fatigue evaluations from flight structures only to all critical structures, including landing gear, and requires consideration of operations having a high number of power cycles per hour. This rule is intended to avoid or reduce catastrophic fatigue failures in transport category rotorcraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	10/27/89	54 FR 43928
Final Action Effective	11/27/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/27/89 (54 FR 43928)

Additional Information: Docket No. 23485. Public meeting held on February 8, 1983. This project was formerly entitled Rotorcraft Structural Fatigue Including Tolerance to Flaws. Project No. ASW-83-001R.

Agency Contact: Robert T. Weaver, Manager, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AA84

2013. + AIRWORTHINESS STANDARDS; OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This final rule amends the airworthiness standards for normal and transport category rotorcraft by adding two dynamic crash impact design conditions for seat and occupant restraint systems and by increasing the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed. This rule also prescribes a shoulder harness for each occupant and adopts human impact injury criteria as a measure for occupant protection for dynamic crash impact conditions. This rule, consistent with the present state of the art, significantly improves occupant protection for normal and transport category rotorcraft in a survivable emergency landing impact mode. This rulemaking is considered significant because of the obvious safety improvements in crash situations and also because of industry and operator concerns as to incurred costs due to increased weight and design efforts.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20938
NPRM Comment Period End	12/30/87	
Comment Period Reopened to 05/06/88	03/08/88	53 FR 7479
Final Action	11/13/89	54 FR 47310
Final Action Effective	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 11/13/89 (54 FR 47310)

Additional Information: Project No. ASW-84-001R.

Agency Contact: James Major, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5117

RIN: 2120–AB35

2014. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final rule amends the airworthiness standards for transport category airplanes and the operating rules for air carrier and air taxi operators of such airplanes to ensure the availability of the public address system during emergency conditions by requiring an independent public address system power source. This rule is intended to increase airplane safety by facilitating the rapid evacuation of passengers under such conditions. This rule is applicable to airplanes that are required to have a public address system for use in air carrier, air taxi, or commercial service and that are manufactured on or after a specified date, regardless of the date of application for a type certificate. This rule does not apply to airplanes operated by persons other than air carriers, air taxis, and commercial operators. This rulemaking is considered significant because it involves an important cabin safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	
Final Action	10/27/89	54 FR 43922
Final Action Effective	11/27/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/27/89 (54 FR 43922)

Additional Information: Docket No. 24995. Project No. ANM-84-019R.

Agency Contact: Robert Hall, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain

Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2143

RIN: 2120–AB77

2015. ● + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: On November 21, 1988, the FAA adopted regulations requiring preemployment, post-accident, reasonable cause and random drug testing. Those individuals required under Federal law or regulation to have periodic medical examinations were also required to undergo a drug test at the same time. This final rule announces a delay in the compliance date for drug testing, insofar as those regulations would require testing of persons located outside the territory of the United States. Under this final rule, employees located outside the territory of the United States must become subject to testing no later than January 2, 1992. This extension of the compliance date is adopted in order to allow negotiation with foreign governments to continue in an orderly and effective fashion. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	12/27/89	54 FR 53282
Final Action Effective	12/27/89	
Revision of Periodic Drug Testing Requirements	02/02/90	55 FR 3698
Compliance Date Extension	03/22/90	55 FR 10756

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Heidi Mayer, Office of Aviation Medicine, Drug Abatement Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3410

RIN: 2120–AC33

2016. ● + TERMINAL CONTROL AREA (TCA) CLASSIFICATION AND TCA PILOT AND NAVIGATIONAL EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: On October 14, 1988, the FAA published a final rule (53 FR 40318) which required that all aircraft operating in a TCA be equipped with very high frequency omnidirectional range or tactical air navigation equipment. In a separate action, on June 26, 1989, the FAA published Notice No. 89-17 (54 FR 26782) which proposed to eliminate the navigational equipment requirements associated with aircraft operations in a TCA. Specifically, the notice proposed to eliminate the navigational equipment requirement for any aircraft conducting operations in a TCA under visual flight rules. This final rule, which delays the current effective date of the previous equipment requirement exclusion applicable to helicopters from January 1, 1990, to October 1, 1990, will allow affected operators to delay the purchase of equipment should that proposal be adopted and will provide the FAA with the necessary time to consider comments and reach a decision regarding the proposal in Notice No. 89-17. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/29/89	
Final Action	01/04/90	55 FR 412
Correction to Final Action	03/14/90	55 FR 9418

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number ATO-88-001R.

Agency Contact: A. Wayne Pierce, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3484

RIN: 2120–AC35

2017. + DESIGN STANDARDS FOR FUEL TANK ACCESS COVERS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This final rule requires that fuel tank access covers on transport category airplanes be designed to minimize penetration by likely foreign objects and be fire resistant. This final rule also requires that all turbine-powered airplanes operated in air carrier service after October 30, 1991, meet these new standards. This rulemaking was considered significant because it involved an important crashworthiness safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18526
NPRM Comment Period End	09/17/88	
Final Action	09/29/89	54 FR 40352
Final Action Effective	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40352)

Additional Information: Project No. ANM-86-006R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2120

RIN: 2120–AC58

2018. + ESTABLISHMENT OF THE PHOENIX TERMINAL CONTROL AREA AND REVOCATION OF THE PHOENIX AIRPORT, AIRPORT RADAR SERVICE AREA; ARIZONA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This final rule establishes a Terminal Control Area (TCA) at Phoenix Sky Harbor International Airport, Arizona. The TCA will consist of airspace from the surface or higher within a 25-mile radius of Phoenix Sky Harbor International Airport to and including 10,000 feet above mean sea level. This action will increase the capability of the air traffic control system to separate all aircraft in the terminal airspace around Phoenix Sky Harbor International Airport. Phoenix Sky Harbor International Airport is currently served by an Airport Radar Service Area which is rescinded concurrent with the establishment of this TCA. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/02/89	54 FR 23922
Correction to NPRM	06/28/89	54 FR 27306
Correction to NPRM	07/24/89	54 FR 30759
NPRM Comment Period End	08/01/89	
Final Action	12/11/89	54 FR 50982
Final Action Effective	01/11/90	
Correction to Final Rule	01/16/90	55 FR 1535

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/11/89 (54 FR 50982)

Additional Information: Project Number ATO-88-019T.

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9255

RIN: 2120–AD00

2019. REVIEW OF PART 21, CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 21 and has determined that a number of sections of that part impose a significant economic impact on a substantial number of small entities. Therefore, a full regulatory flexibility analysis of those sections will be conducted, and the results of that analysis will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
End Review	01/10/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3296

RIN: 2120–AB09

2020. REVIEW OF PART 121, CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Part 121 governs the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 121 and has determined that a number of sections of Part 121 impose a significant economic impact on a substantial number of small entities. Therefore, a full regulatory flexibility analysis of those sections will be conducted, and the results of that analysis will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
End Review	01/10/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3296

RIN: 2120–AB27

2021. ● REVIEW OF PART 67, MEDICAL STANDARDS AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: Part 67 of the Federal Aviation Regulations prescribes the

medical standards for issuing medical certificates for airmen.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has completed an initial review of Part 67 and has determined that there are no sections in Part 67 which have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis of Part 67 is not required.

Timetable:

Action	Date	FR Cite
End Review	08/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3296

RIN: 2120–AD60

2022. ● REVISION OF GENERAL OPERATING AND FLIGHT RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1347; 49 USC 1348; 49 USC 1352; 49 USC 1354; 49 USC 1355; 49 USC 1372; 49 USC 1421; 49 USC 1423; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1502; 49 USC 1521; 49 USC 106(g); ...

CFR Citation: 14 CFR 1; 14 CFR 21; 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29; 14 CFR 31; 14 CFR 33; 14 CFR 35; 14 CFR 36; 14 CFR 43; 14 CFR 45; 14 CFR 47; 14 CFR 61; 14 CFR 91; ...

Legal Deadline: None

Abstract: This final rule reorganizes and realigns the general operating and flight rules to make them more understandable and easier to use. Also, several changes were made to provide more flexibility for certain operations. These changes resulted from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	
Final Action	08/18/89	54 FR 34284
Correction to Final Rule	09/12/89	54 FR 37636
Correction to Final Rule	09/12/89	54 FR 37762
Correction to Final Rule	12/26/89	54 FR 52932
Correction to Final Rule	12/26/89	54 FR 53036
Final Action Effective	08/18/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/81 (46 FR 45256)

Additional Information: Docket Number 18334. Project Number AFS-78-303R. This project was formerly entitled Revision of Part 91.

Agency Contact: William Cook or Edna French, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AA13

2023. AIRWORTHINESS STANDARDS; ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 133

Legal Deadline: None

Abstract: This rule adopts new and revised airworthiness standards for certification of airframe and related equipment on both normal and transport category rotorcraft. In addition, one amendment changes an operating rule affecting external load operators. These amendments grew out of a rotorcraft regulatory review program and the recognition by both government and industry that updated safety standards are needed. These amendments provide a high level of safety in design requirements, while removing certain unnecessary existing burdens and better utilizing the unique characteristics and capabilities of rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 9190
NPRM Comment Period End	09/19/88	53 FR 9190
Final Action	03/06/90	55 FR 7992

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 03/06/90 (55 FR 7992)

Additional Information: Project No. ASW-82-004R.

Agency Contact: James Major, Rotorcraft Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5117

RIN: 2120–AA29

2024. ● STUDENT, RECREATIONAL, AND PRIVATE PILOT RULES AND ANNUAL FLIGHT REVIEW REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: On March 29, 1989, the FAA published a final rule, Certification of Recreational Pilots and Annual Flight Review Requirements for Recreational Pilots and Non-Instrument Rated Private Pilots (54 FR 13028). This action amends that final rule to clarify the meaning of the phrase "flight time" in the requirements for an annual flight review; to clarify the new annual flight review requirements for certain pilots who have recently met the biennial flight review requirements; to clarify new pre-solo requirements for student pilots with a recent solo endorsement; and to modify the pre-solo flight instruction and the annual flight review requirements for certain glider-rated private pilots.

These minor revisions are necessary to provide for transition to the new student, recreational, and private pilot rules and the annual flight review

requirements. The revisions are intended to respond to comments raised but not resolved fully when the final rule was being adopted.

Timetable:

Action	Date	FR Cite
Final Action	10/05/89	54 FR 41234
Final Action Effective	10/05/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AVS-82-173R.

Agency Contact: Edna H. French, Regulations Branch, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8150

RIN: 2120–AA54

2025. AIRWORTHINESS STANDARDS; FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This final rule adopts fatigue requirements for empennage, canard, tandem wing, and winglet/tip fin structures for airplanes certificated in the normal, utility, acrobatic, or commuter category. Service history, airworthiness directives, and field reports related to unsafe, or potentially unsafe, fatigue failures of empennage structural components on airplanes of these types have shown the need to consider empennage fatigue strength during type certification. Due to recent developments in airplane designs in which conventional wing and empennage configurations are being replaced or modified by canard, tandem wing and winglet/tip fin structures which also are essential for safe flight, fatigue requirements for these new structures are included. This final rule establishes a level of safety for the prevention of catastrophic fatigue failures of these structures.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	
Final Action	09/26/89	54 FR 39508
Final Action Effective	10/26/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/26/89 (54 FR 39508)

Additional Information: This project was formerly entitled Amend Part 23 to Include Empennage Fatigue Requirements. Project No. ACE-82-004R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120–AA58

2026. NATIONAL AIRSPACE REVIEW (NAR): TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; ...

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This project would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area;" (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations. These issues have been subsumed in the broader airspace reclassification proceeding and have been consolidated therein.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5055
ANPRM Comment Period End	06/06/85	50 FR 5055
Consolidated into RIN 2120-AB95	10/18/89	54 FR 42916

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project ATO-200-83-17R (Docket #24455). Since this project has been consolidated into RIN 2120-AB95, Airspace Reclassification, it will no longer appear as a separate item in the Agenda.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AB02

2027. NIGHT-VISUAL FLIGHT RULES VISIBILITY AND DISTANCE FROM CLOUDS MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule establishes standard visibility and cloud clearance minimums for night-visual flight rules (VFR) operations. Except for helicopter operations in uncontrolled airspace and fixed-wing operations in a closed traffic pattern in uncontrolled airspace, these minimums apply to such operations regardless of whether the operation is conducted in controlled or uncontrolled airspace. The FAA originated this rulemaking effort as a result of a recommendation of a nongovernmental aviation safety panel. This panel's recommendation sought to reduce the incidence of fatal aircraft accidents associated with VFR flights in

instrument flight rules conditions while in uncontrolled airspace. Such accidents have occurred under the visibility and cloud criteria of the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	09/29/89	54 FR 40324
Correction to Final Rule	10/16/89	54 FR 42439
Correction to Final Rule	10/20/89	54 FR 43049
Final Action Effective	11/13/89	
Correction to Final Rule	03/22/90	55 FR 10610

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40324)

Additional Information: Regulatory Project ATO-200-83-16R (Docket # 24722). Formerly entitled Nighttime VFR Weather Minimums.

Agency Contact: Robert Laser, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9251

RIN: 2120–AB04

2028. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This action withdraws a notice of proposed rulemaking which proposed to amend the Federal Aviation Regulations to provide helicopter instrument flight airworthiness standards for approach and landing phases to permit flight at airspeeds below the normal minimum instrument flight speed. The objective of the notice was to permit decelerating instrument approaches and thus shorten required landing distances. The FAA has carefully considered all of the comments received in response to the notice, the comments made at a public meeting, and the results of further research flight tests. As a result, the FAA has concluded that additional study is required to identify what is required to permit the decelerating approaches. Accordingly, the notice has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343
Withdrawn	01/10/90	55 FR 988

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/86 (51 FR 21488)

Additional Information: Project No. ASW-84-003R.

Agency Contact: Jim S. Honaker, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120–AB87

2029. CONTROLLED AIRSPACE DESIGNATIONS IN INTERNATIONAL AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations. This issue has been subsumed in the broader airspace reclassification proceeding and has been consolidated therein.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798
Consolidated into RIN 2120-AB95	10/18/89	54 FR 42916

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/29/85 (50 FR 30798)

Additional Information: Regulatory Project ATO-200-84-19R/ATO-200-84-7R. Since this project has been consolidated into RIN 2120-AB95, Airspace Reclassification, it will no longer appear as a separate item in the Agenda.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9246

RIN: 2120–AB93

2030. AIR TRAFFIC CONTROL CLEARANCE READBACK

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would require pilots to read back all clearances dealing with holding short, taking off, crossing, and proceeding onto a runway.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Terminated	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project Number: ATO-200-88-17R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC91

2031. ● SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS; REVOCATION OF VOR FEDERAL AIRWAY, NO. 16, PHOENIX, ARIZONA

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action rescinds a regulation that segregated uncontrolled general aviation aircraft from military turbojet aircraft operating under visual flight rules within a segment of airspace west of Phoenix, Arizona, south of Luke Air Force Base, and within the confines of a portion of VOR Federal Airway No. 16. The regulation is no longer needed because the number of such aircraft operations has been significantly reduced and aircraft are required to have a transponder with automatic altitude reporting equipment (Mode C transponder) in the airspace within 30 nautical miles of the Sky Harbor International Airport, Phoenix, Arizona. This final rule does include a 30-day comment period. If any comments are received in response to this final rule, a disposition of those comments will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	12/11/89	54 FR 50990
Final Action Effective	01/11/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project formerly entitled Very High Frequency Omnirange Station (VOR) Federal Airway No. 16, Part 93, Subpart E. Project Number ATO-200-88-3R.

Agency Contact: James H. Steenson, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC92

2032. ● ESTABLISHMENT OF WARNING AREAS IN THE AIRSPACE OVERLYING THE WATERS BETWEEN 3 AND 12 NAUTICAL MILES FROM THE UNITED STATES

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 73

Legal Deadline: None

Abstract: On January 4, 1989, the FAA published a final rule (54 FR 260) establishing warning areas in airspace subject to FAA jurisdiction in order to reflect Presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the United States coast. The warning areas were established in the same location as non-regulatory warning areas previously designated over international waters. The Department of Defense conducts hazardous military flight activities in these areas. The areas had been established for a period of 1 year to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace. This action continues for an additional 12 months the effectiveness of these areas while airspace analyses and rulemaking efforts are ongoing.

Timetable:

Action	Date	FR Cite
Final Action	12/13/89	54 FR 51286
Final Action Effective	12/27/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This final rule expires on December 27, 1990.

Agency Contact: David L. Bennett, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AC95

2033. ● HIGH DENSITY TRAFFIC AIRPORT SLOT ALLOCATION AND TRANSFER METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: On August 22, 1989, the FAA published a final rule (54 FR 34904) which made several technical amendments to the regulations pertaining to the allocation and transfer of air carrier and commuter operator slots at Kennedy International Airport, LaGuardia Airport, O'Hare International Airport, and Washington National Airport. Among other revisions, the final rule changed the definition of aircraft authorized for operations in "scheduled commuter" slots from any aircraft with a maximum passenger seating capacity of less than 56 seats to propeller-driven aircraft with less than 75 seats. This action delays the effectiveness of the final rule only insofar as it would prohibit turbojet aircraft with a maximum certificated seating capacity of less than 56 seats to operate the scheduled commuter slots.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/21/89	
Final Action	09/28/89	54 FR 39843

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Bennett, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AC96

2034. ESTABLISHMENT OF THE SALT LAKE CITY TERMINAL CONTROL AREA AND REVOCATION OF THE SALT LAKE CITY INTERNATIONAL AIRPORT, AIRPORT RADAR SERVICE AREA; UTAH

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This final rule establishes a Terminal Control Area (TCA) at Salt Lake City, Utah. The TCA will consist of airspace from the surface or higher

within a 25-nautical mile radius of the Salt Lake City International Airport up to and including 10,000 feet above mean sea level. This action will increase the capability of the air traffic control system to separate aircraft in the terminal airspace around the Salt Lake City International Airport. Salt Lake City International Airport is currently served by an Airport Radar Service Area which is rescinded concurrent with the establishment of this TCA.

Timetable:

Action	Date	FR Cite
NPRM	06/23/89	54 FR 26680
Correction to NPRM	07/21/89	54 FR 30633
NPRM Comment Period End	08/22/89	
Final Action	10/26/89	54 FR 43786
Final Action Effective	11/16/89	
Final Rule Amendment	03/27/90	55 FR 11328

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/26/89 (54 FR 43786)

Additional Information: Project Number ATO-88-020T.

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9255

RIN: 2120–AD02

2035. PROPOSED ESTABLISHMENT OF THE ORLANDO TERMINAL CONTROL AREA AND REVOCATION OF THE ORLANDO INTERNATIONAL AIRPORT, AIRPORT RADAR SERVICE AREA, FLORIDA

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This amendment establishes a Terminal Control Area (TCA) at Orlando, Florida. The TCA would consist of airspace from the surface or higher within a 30-nautical-mile radius of the Orlando International Airport up to and including 10,000 feet above mean sea level. This action will increase the capability of the air traffic control system to separate aircraft in the terminal airspace around the Orlando International Airport. The object of this rule is to substantially increase safety while accommodating the legitimate concerns of airspace users. Orlando International Airport is currently served by an Airport Radar Service Area which is rescinded concurrent with the establishment of this TCA.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37884
NPRM Comment Period End	11/13/89	
Final Action	03/09/90	55 FR 9082
Final Action Effective	09/20/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/09/90 (55 FR 9082)

Additional Information: This project was formerly entitled Proposed Establishment of the Orlando, Florida, Terminal Control Area.

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD03

2036. ESTABLISHMENT OF THE MEMPHIS TERMINAL CONTROL AREA AND REVOCATION OF THE MEMPHIS AIRPORT, AIRPORT RADAR SERVICE AREA; TENNESSEE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This final rule establishes a Terminal Control Area (TCA) at Memphis, Tennessee. The TCA will consist of airspace from the surface or higher within a 30-nautical-mile radius of the Memphis International Airport up to and including 10,000 feet above mean sea level. This action will increase the capability of the air traffic control system to separate all aircraft in the terminal airspace around Memphis International Airport while providing sufficient flexibility to permit aircraft operating under visual flight rules to operate within or outside the TCA. Memphis International Airport is currently served by an Airport Radar Service Area which is rescinded concurrent with the establishment of this TCA.

Timetable:

Action	Date	FR Cite
NPRM	05/26/89	54 FR 22844
NPRM Comment Period End	07/24/89	
Final Action	09/22/89	54 FR 39112
Final Action Effective	10/19/89	
Correction to Final Rule	11/02/89	54 FR 46226
Correction to Final Rule	12/05/89	54 FR 50307

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/89 (54 FR 39112)

Additional Information: Project Number ATO-88-027T.

Agency Contact: Alton Scott, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9252

RIN: 2120–AD05

2037. IMPLEMENTATION OF EQUAL ACCESS TO JUSTICE ACT

Significance: Nonsignificant

Legal Authority: 5 USC 504(c)(1); PL 99-80, Equal Access to Justice Act; 49 USC 1354(a); 49 USC 1354(c); 49 USC 106(g)

CFR Citation: 14 CFR 14

Legal Deadline: None

Abstract: This rule implements the Equal Access to Justice Act (EAJA). It will remain in effect until such time as the Department of Transportation promulgates updated Departmentwide EAJA regulations which will incorporate the Adversary adjudications conducted by the FAA pursuant to the Civil Penalty Assessment Demonstration Program and the Rules of Practice thereunder. This rule sets uniform procedures under the EAJA for any adversary adjudication conducted pursuant to Section 554 by the FAA.

DOT—FAA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29978
NPRM Comment Period End	08/16/89	
Final Action	11/01/89	54 FR 46196
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James S. Dillman, Assistant Chief Counsel for Litigation, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3137

RIN: 2120–AD17

2038. ORGANIZATIONAL CHANGES AND DELEGATIONS OF AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1427; 49 USC 2101; 49 USC 2102; 49 USC 106(g); ...

CFR Citation: 14 CFR 11; 14 CFR 13; 14 CFR 15; 14 CFR 21; 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 67; 14 CFR 73; 14 CFR 77; 14 CFR 91; 14 CFR 93; 14 CFR 109; ...

Legal Deadline: None

Abstract: This final rule adopts changes to office titles and certain terminology in the regulations that were affected by a recent agencywide reorganization. These changes are being made to reflect delegations of authority that were changed, as well as offices that were renamed or abolished and replaced with new office designations. These changes are necessary to make the regulations consistent with the current agency structure.

Timetable:

Action	Date	FR Cite
Final Action	09/25/89	54 FR 39288
Final Action Effective	10/25/89	
Correction to Final Rule	11/07/89	54 FR 46724
Correction to Final Rule	12/19/89	54 FR 51972
Correction to Final Rule	12/22/89	54 FR 52872

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-86-230-R. This final rule became effective on October 25, 1989. However, the amendments to Sections 91.23, 91.317, and 91.75 will not become effective until August 18, 1990.

Agency Contact: Jean Casciano, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9683

RIN: 2120–AD24

2039. ● RESTRICTION OF CERTAIN FLIGHT FROM THE UNITED STATES TO THE REPUBLIC OF THE PHILIPPINES

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule prohibited the transportation by aircraft of the remains of Ferdinand Marcos from the territory of the United States to the Republic of the Philippines or to any intermediate destination on a trip whose ultimate destination would be the Republic of the Philippines. This action was taken to prevent an undue hazard to the aircraft that would be engaged in such transportation, as well as to persons involved in the flight, in consideration of measures taken by the Government of the Republic of the Philippines to prevent the landing of the aircraft in the Republic of the Philippines.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/28/89	
Final Action	10/02/89	54 FR 40624

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory S. Walden, Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3222

RIN: 2120–AD44

2040. ● ALTERATION OF THE SEATTLE TERMINAL CONTROL AREA; WASHINGTON

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This final rule alters the Seattle, Washington, Terminal Control Area (TCA). This rule will raise the upper limits of the TCA to 10,000 feet mean sea level to enable air traffic control to provide terminal air traffic control service to arriving and departing turbojet aircraft in a TCA environment throughout transition to and from the en route structure. Additionally, this rule will extend the lateral limits of the TCA north and south to 30 nautical miles, east and west to 18 nautical miles from the airport, to provide an area wherein air traffic control can provide TCA control and services throughout critical maneuvering phases of flight operations in the terminal area. This rule also redefines several existing subareas which will enhance air traffic procedures and simplify visual flight rule transient operations outside TCA airspace.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35564
NPRM Comment Period End	10/27/89	
Final Action	12/21/89	54 FR 52678
Final Action Effective	01/11/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/21/89 (54 FR 52678)

Agency Contact: Alton D. Scott, Airspace Branch, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9252

RIN: 2120–AD49

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

2041. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program. A supplemental ANPRM is being issued to request comments on the development of medical evaluation procedures and risk assessment procedures for insulin dependent diabetics.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	53 FR 45204
Comment Period Extended to 02/01/88	01/04/88	53 FR 42
Supplemental ANPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/00/90

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AB91

2042. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/90.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 12/00/90

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2184

RIN: 2125–AA37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

2043. + COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Significance: Regulatory Program

Legal Authority: PL 100-202, Sec 9105

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: This action will develop improved identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Such high technology "unique" identifiers, when and if incorporated into the Commercial Driver's License Information System and the related State information systems, would reduce still further the opportunities for a driver to fraudulently obtain multiple licenses and to conceal disqualifying offenses. Alternatives under consideration include, but will not be limited to, retinal eye scans and advanced fingerprint technologies. Potential costs will accrue to the States for startup and operation of the upgraded identification methods, and to drivers and/or employers for incremental licensing costs passed on to them by the States. Safety benefits are expected to flow from the more accurate identification of CDL applicants and tracking of CDL holders' offenses. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	54 FR 20875
NPRM	04/00/90	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4001

RIN: 2125–AC24

2044. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; COMMERCIAL MOTOR VEHICLE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 2391 to 2404; 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 350; 49 CFR 390

Legal Deadline: None

Abstract: The FHWA is addressing the issue of the gross vehicle weight rating (GVWR) criterion used to define a "commercial motor vehicle" subject to the Federal Motor Carrier Safety Regulations (FMCSR's). The FHWA is specifically seeking public comment on the enforcement and regulatory capability regarding the rating. This rulemaking is considered significant because of its potential impact on the motor carrier industry.

DOT—FHWA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
ANPRM	04/03/89	54 FR 13391
Comment Period Extended to 06/19/89		
ANPRM	04/18/89	54 FR 25484
Comment Period End		
ANPRM	06/15/89	54 FR 25484
Comment Period Extended to 11/03/89		
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/00/90

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC27

2045. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking document proposes revisions to the current requirements contained in 49 CFR 390.21 concerning the marking of motor vehicles. Three areas are being considered for possible revision: (1) the applicability of the marking requirements to all commercial motor vehicles operated in interstate commerce, (2) postcard type registration of motor carriers, and (3) the treatment of rental vehicles. The third area of concern is being considered in response to a request for interpretation filed by the Truck Rental and Leasing Association (TRALA). This rulemaking is considered significant because of the public interest in commercial motor-carrier safety.

Timetable:

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM	09/15/89	
Comment Period End		
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 05/00/90

Additional Information: The action previously identified by RIN 2125-AC29 and entitled: "Federal Motor Carrier Safety Regulations; General; Rental Vehicle Leasing" has been merged into this rulemaking action.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC28

2046. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	01/29/81	46 FR 9642
NPRM Comment Period End	03/30/81	
SNPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 08/00/90

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0392**

RIN: 2125–AA19

2047. REVIEW AND PREEMPTION OF STATE MOTOR-CARRIER SAFETY REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2507; 49 USC app 2508

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 394; 49 CFR 395; 49 CFR 396; 49 CFR 397; 49 CFR 398; 49 CFR 399

Legal Deadline: None

Abstract: Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. Based on the determination of the Safety Panel, the Secretary is to initiate a rulemaking proceeding to determine if such a law or regulation may remain in effect and enforced. This notice of proposed rulemaking is the initial rulemaking action for any possible preemptive action by the Secretary. It will contain alternatives for comment on ways the Secretary may satisfy the requirements of section 208 of the Act. Section 9109 of the Truck and Bus Safety and Regulatory Reform Act of 1988 extends the deadline for Secretarial preemption under certain conditions until no later than 10/30/91.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC11

2048. CONTRACT PROCEDURES

Significance: Nonsignificant

DOT—FHWA **Proposed Rule Stage**

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Contract Procedures regulation (23 CFR 635) basically prescribes the policy and procedures relating to Federal-aid highway projects, from the time of project authorization to the final acceptance by FHWA. This regulation was last updated in 1974. This rulemaking action will update and restructure the existing regulation for clarity and consistency in keeping with program delivery.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36645
NPRM Comment Period End	10/17/78	
SNPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0392

RIN: 2125–AA18

2049. CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades. This project was formerly entitled Equal Employment Opportunity on Federal and Federal-Aid Contracts (including Support Services).

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
SNPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 230. Therefore, the related entry (RIN 2125-AB27) has been consolidated into this proceeding.

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1587

RIN: 2125–AB15

2050. ADMINISTRATION OF ENGINEERING AND DESIGN RELATED SERVICE CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; 23 USC 112(b); 23 USC 302

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: This rulemaking action addresses the administration of contracts (23 CFR 172) and is being revised to implement the provisions of Section 111(B) of the Surface Transportation Assistance Act of 1987 (STURAA). The 1987 STURAA requires the procurement of engineering and design services to be qualifications-based or to follow a formal procurement procedure that is required by State statute or is subsequently established by State law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/90

Additional Information: A 60-day comment period will be provided. This project was formerly entitled: Administration of Contracts.

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4628

RIN: 2125–AB30

2051. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; PAPERWORK BURDENS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2503

CFR Citation: 49 CFR 350 to 399

Legal Deadline: None

Abstract: By this rulemaking, the FHWA will be considering ways to reduce paperwork burdens imposed on motor carriers subject to the requirements of the Federal Motor Carrier Safety Regulations (49 CFR 350-399). Changes are being considered in accordance with the requirements of the Paperwork Reduction Reauthorization Act of 1986. This Act requires the agencies to set goals to reduce the paperwork burden imposed on motor carriers by 20 percent by September 30, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/89	54 FR 15232
ANPRM Comment Period End	07/17/89	54 FR 15232
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC04

DOT—FHWA

Proposed Rule Stage

2052. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/90

Additional Information: The rulemaking actions consolidated in this action are: 1) a proposed rule entitled "Right-of-Way" which appeared in a prior Agenda under RIN 2125-AB58 and 2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

Agency Contact: Douglas Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2019

RIN: 2125–AC17

2053. DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATION; GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway Transportation Officials (AASHTO) is revising and updating the publication entitled " Policy on Geometric Design of Highways and Streets, AASHTO 1984." It is anticipated that this action will, after receipt of public comments on the proposed action, designate, in whole or in part, the revised AASHTO publication as being acceptable to the FHWA for application in the geometric design of highways and remove the out-of-date version from the acceptable list.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 09/00/90

Additional Information: The initial appearance of this entry in the agenda (4/89) made reference to another AASHTO publication entitled "A Policy on Design--Interstate System." This publication is being addressed in a separate rulemaking action under RIN 2125-AC34 entitled "Design Standards for Highways; Interstate System" and is located under the final action section.

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1327

RIN: 2125–AC22

2054. INSPECTION, REPAIR AND MAINTENANCE; BRAKE INSPECTION

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9110

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, December 31, 1990.

Abstract: The FHWA is requesting public comment concerning the development and implementation of Federal standards or methods to ensure that brakes and brake systems of commercial motor vehicles are properly maintained and inspected. This action is required by Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181).

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5518
ANPRM Comment Period End	04/04/89	
NPRM	04/00/90	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5518)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC25

2055. PARTS AND ACCESSORIES FOR SAFE OPERATION; EMERGENCY WARNING DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9106; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 393; 49 CFR 392

Legal Deadline: Final, Statutory, October 31, 1989.
Final action must be taken by 10/31/89.

Abstract: The FHWA is requesting comments on several issues relating to the appropriate use of emergency warning devices for commercial motor vehicles in response to Section 9106 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181). Issues include the use of fuses as an alternative or supplement to bidirectional emergency reflective triangles, as well as all aspects of emergency warning devices, including the type allowed and exemptions and/or condition for use. On 11/9/89, a notice of termination of rulemaking was published at 54 FR 47092 regarding the use of fuses as an alternative or supplement to bidirectional reflective triangles. Based on available information and public comments, it was determined that no enhancement of motor carrier or highway safety would be served by revising current regulations. The remaining issues will be addressed in separate rulemaking actions.

DOT—FHWA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5516
ANPRM Comment Period End	03/20/89	
Action Terminated Re: Sec. 9106 of P.L.100-690	11/09/89	54 FR 47092
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5516)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 266-2981

RIN: 2125–AC26

2056. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is requesting public comment on how, under Section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STAA) (Pub. L. 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951
ANPRM Comment Period Extended to 06/01/90	03/21/90	55 FR 10468
ANPRM Comment Period End	03/26/90	54 FR 52951
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 09/00/90

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC30

2057. RULES OF PRACTICE FOR MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS PROCEEDINGS; PENALTIES FOR FAILURE TO COMPLY WITH NOTICES AND ORDERS ISSUED UNDER THE AUTHORITY OF 49 USC 521(B)

Significance: Nonsignificant

Legal Authority: 49 USC 2701 et seq; 49 USC 2501 et seq; 49 USC 104(c)(2); 49 USC 501 et seq; 49 USC 3101 et seq; 49 USC 1801 et seq

CFR Citation: 49 CFR 386

Legal Deadline: None

Abstract: This rulemaking action is intended to implement section 213(b) of the Motor Carrier Safety Act of 1984 by adding a penalty schedule to 49 CFR Part 386 applicable to failure to comply with notices and orders issued under the authority of section 521(b) of Title 49, United States Code. These penalties would apply in addition to other civil forfeiture assessments for violations of the Federal Motor Carrier Safety Regulations (FMCSR) charged in a Notice of Claim or Notice of Investigation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/90

Agency Contact: Mr. Paul L. Brennan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0834

RIN: 2125–AC36

2058. UNIFORM SYSTEM FOR HANDICAPPED PARKING

Significance: Nonsignificant

Legal Authority: PL 100-641, Sec 3; PL 100-17, Sec 262; PL 98-78. Sec 231; 23 USC 315

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA and NHTSA established an advisory committee to develop a report which includes a recommended rulemaking proposal concerning a uniform system for handicapped parking. The committee will develop its recommendation using a negotiation process. The committee is comprised of persons who represent the interests affected by handicapped parking regulations. The regulations would address: the use of the International Symbol of Access on handicapped plates and placards; fees for plates and placards; and the recognition of out-of-State handicapped plates and placards. It is intended that the problems facing the handicapped traveler would be greatly reduced.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee for Reg. Negotiation	06/12/89	54 FR 24908
Establishment of Advisory Committee for Reg. Negotiation	10/03/89	54 FR 40770
Notice of Public Meetings	10/31/89	54 FR 45884
Notice of Public Meetings	11/30/89	54 FR 49387
Public Meetings Correction	12/12/89	54 FR 51101
NPRM	03/23/90	55 FR 10988
NPRM Comment Period End	05/02/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Additional Information: The contact person in NHTSA is Mr. E. William Fox, who can be reached at 202 366-1834.

Agency Contact: Mr. Vincent J. Nowakowski, Department of Transportation, Federal Highway

DOT—FHWA **Proposed Rule Stage**

Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2146**

RIN: 2125–AC39

2059. ● QUALIFICATION OF DRIVERS; MEDICAL EXAMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC 3104; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390; 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action will amend Section 391.43 of the Federal Motor Carrier Safety Regulations (FMCSR's) to permit certain licensed health care professionals to perform physical examinations of commercial motor vehicle drivers. The FHWA is addressing this issue in response to the numerous requests received from motor carriers, medical facilities, physicians, physician assistants (PA's), and nurse practitioners (NP's) to allow PA's and NP's to perform physical examinations under the supervision of licensed doctors of medicine or osteopathy. This action would permit drivers to have their physical examinations performed at more convenient times and locations and perhaps at a lower cost. This action would require health care professionals, who perform the physical examination, to become more knowledgeable of the FMCSR's requirements. The certification and determination that a driver is physically qualified in accordance with the requirements of 49 CFR 391 would remain with the licensed doctor of medicine or osteopathy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/00/90

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, **202 366-2981**

RIN: 2125–AC44

2060. ● STATE COMPLIANCE WITH CDL PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: Section 12009 of the Commercial Motor Vehicle Safety Act of 1986 establishes 21 requirements under the Commercial Driver's License (CDL) program which States must meet before October 1, 1993 to avoid losing a portion of their Federal-aid highway funds. This regulation will delineate the criteria and standards which the FHWA will use in determining whether a State is substantially in compliance with the 21 requirements. In addition, the rule will include a procedure governing initial and subsequent reviews of State compliance with these requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: (Minimal Impact); Regulatory Evaluation 06/00/90

Agency Contact: Mr. Neil E. Moyer, Transportation Specialist, Department of Transportation, Federal Highway Administration, **202 366-4009**

RIN: 2125–AC53

2061. ● COMMERCIAL DRIVER INSTRUCTION PERMITS

Significance: Nonsignificant

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: To reconcile the training needs of the motor carrier industry with the requirements of the commercial driver's license (CDL) program and the Commercial Motor Vehicle Safety Act of 1989, the FHWA is considering proposing additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). Among the alternatives under consideration: Applicants for Commercial Driver Instruction Permits (CDIPs) might need to possess drivers' licenses and undergo record checks analogous to those now required for CDLs; CDIP transactions might be entered in the Commercial Driver's License Information System (CDLIS); and CDIP holders might be explicitly subject to the same disqualifications as CDL holders. Since driver training is nationwide in scope, the FHWA is considering proposing options that would allow a State to issue a CDIP to a driver trainee, or a 90-day CDL to a trained driver, without regard to his/her State of domicile.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: Mr. Neil E. Moyer, Department of Transportation, Federal Highway Administration, **202 366-4009**

RIN: 2125–AC54

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Final Rule Stage

2062. + PRIVATE CARRIAGE OF PASSENGERS

Significance: Regulatory Program

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 383; 49 CFR 390 to 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the

paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	02/17/89	54 FR 7362
NPRM Comment Period End	06/19/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7362)

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AB62

2063. + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA has requested information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA) as amended. A Supplemental NPRM was published requesting public comment on a report released by the Transportation Research Board (TRB) concerning issues relating to reasonable access. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	12/30/88	53 FR 53006
NPRM Comment Period End	05/01/89	54 FR 53006
NPRM Comment Period Extended to 09/01/89	05/04/89	54 FR 19196
Supplemental NPRM Comments Due 12/01/89	10/06/89	54 FR 41278
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/06/89 (54 FR 41278)

Additional Information: Additional agency contact: John F. Grimm (202) 366-4039.

Agency Contact: Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2951

RIN: 2125–AB70

2064. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to States and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	53 FR 35178
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35178)

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4836

RIN: 2125–AB10

2065. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES; CONSTRUCTIVE USE

Significance: Agency Priority

Legal Authority: 23 USC 315; 49 USC 303

CFR Citation: 23 CFR 771

Legal Deadline: None

Abstract: The need for rulemaking in this area has been caused by recent court decisions. The courts have delayed or halted several important Federal-aid highway projects on the grounds that the proximate effects or impacts from a given highway would constructively use land from a park or historic site. In each instance the FHWA had determined that there existed no constructive use. This determination was based on an analysis of proximity impacts and whether the impacts would substantially impair the functions or values which qualified the property for protection under Section 4(f) of the DOT Act. The FHWA has been operating under an informal policy directive on constructive use since 11/12/85. This rulemaking action would formalize existing policy on constructive use, and future court decisions would address the regulation rather than be based on ad hoc interpretations of specific project facts. This action is considered significant

because of substantial public interest in environmental matters.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3599
NPRM Comment Period End	04/03/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 02/02/90 (55 FR 3599)

Agency Contact: Harter M. Rupert, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4093

RIN: 2125–AC18

2066. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315; PL 100-17, Sec 117(e)

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. This action will revise existing regulations and implement section 117 (e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17). Section 117 (e) allows a State to contribute more State and/or local funds to a Federal-aid project under the minimum required by Title 23 of the United States Code.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
ANPRM Comment Period End	10/01/84	
Interim Final Rule	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/00/90

Agency Contact: James M. Overton, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0450

RIN: 2125–AB18

2067. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Nonsignificant

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA determined that the issues associated with its authority to permit motor carriers to self-insure needed to be examined. Upon further review, the FHWA has determined that no further action is necessary in this area. Therefore, the June 18, 1986, ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
To Be Withdrawn	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AB65

2068. CONSTRUCTION ENGINEERING COSTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 114(a); 23 USC 115(b); 23 USC 120 to 122; 23 USC 315; PL 95-599, Sec 115(c); PL 100-17, Sec 114

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: This rulemaking document will implement provisions mandated by section 114 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 114 revised 23 USC 121(d) by eliminating the 10-percent limitation on construction engineering (CE) costs and increasing the limitation to 15 percent of actual costs of construction excluding costs of right-of-way, preliminary engineering, and CE.

Timetable:

Action	Date	FR Cite
NPRM	08/25/89	54 FR 35354
NPRM Comment Period End	10/24/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 08/25/89 (54 FR 35354)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2853

RIN: 2125–AC09

2069. PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 5 USC 552; 31 USC 9701; 49 USC 322

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This action amends Appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Reg. Evaluation (Minimal Impact) 10/00/90

DOT—FHWA

Final Rule Stage

Agency Contact: Mr. John H. Schnackenberg, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0534

RIN: 2125–AC20

2070. DESIGN STANDARDS FOR HIGHWAYS; REFERENCE MATERIAL; ROADSIDE DESIGN GUIDE

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway and Transportation Officials (AASHTO) has approved and published a document entitled "Roadside Design Guide" which superseded its 1977 "Guide for Selecting, Locating and Designing Traffic Barriers." The Federal Highway Administration (FHWA) is proposing to replace references to the latter document in 23 CFR Parts 625 and 645 with references to the 1989 "Roadside Design Guide." Further, the FHWA is soliciting comments on whether the "Roadside Design Guide" should be considered in whole or in part or modified in any way for application to Federal-aid projects.

Timetable:

Action	Date	FR Cite
Notice; Initiation of Rulemaking	01/12/87	52 FR 1200
Notice; Rulemaking Status	02/09/88	53 FR 3757
NPRM	07/17/89	54 FR 29910
NPRM Comment Period End	10/25/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 07/17/89 (54 FR 29910)

Agency Contact: Mr. Richard D. Powers, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1320

RIN: 2125–AC32

2071. DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is requesting comments on a proposed amendment to the design standards which apply to Interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. A revised publication approved by the American Association of State Highway and Transportation Officials (AASHTO) entitled "A Policy on Design Standards--Interstate System, AASHTO 1988" would be substituted for the previous version of these standards last revised June 20, 1967. If the Federal Highway Administration (FHWA) adopts the 1988 document, the new AASHTO publication would constitute the FHWA's policy on geometric design for all federally-assisted construction and reconstruction projects on the Interstate highway system.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30095
NPRM Comment Period End	09/18/89	
NPRM Comment Period Extended to 11/18/89	09/18/89	54 FR 38387
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 07/18/89 (54 FR 30095)

Agency Contact: Mr. Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1327

RIN: 2125–AC34

2072. TRUCK SIZE AND WEIGHT; SADDLEMOUNT COMBINATIONS

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC app 2311 to 2313; 49 USC app 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: In response to a petition from the National Automobile Transporters Association (NATA) and its member companies dated 9/7/88, the FHWA proposes to amend 23 CFR 658.5 and 658.13 to regulate the overall length of driveaway saddlemount combinations and driveaway saddlemount and fullmount combinations. The proposed changes would increase the overall length limit from 65 to 75 feet and clarify that both saddlemount and saddlemount with fullmount automobile transporters are specialized equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37344
NPRM Comment Period End	12/07/89	54 FR 37344
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 09/08/89 (54 FR 37344)

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC38

2073. QUALIFICATION OF DRIVERS: WRITTEN EXAMINATIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2503, 2505; 49 USC 3102; 49 USC 4104

CFR Citation: 49 CFR Subchapter B, Appendix C

Legal Deadline: None

Abstract: Due to amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) which have occurred in the past few years, certain information and terminology currently found in the written examinations for drivers is no longer correct. Consequently, the FHWA is amending the written examination, which is given to driver applicants by motor carriers subject to the jurisdiction of the FHWA, to correct the examination's information and terminology. While the revisions are nonsubstantive in nature, they will improve the usefulness of the written examination.

DOT—FHWA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/90

Agency Contact: Tom Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC42

2074. ● QUALIFICATION OF DRIVERS; TOW TRUCK OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 395

Legal Deadline: None

Abstract: The FHWA is amending Part 395, Hours of Service of Drivers, of the Federal Motor Carrier Safety Regulations (FMCSR's) to include an exception for tow truck operators responding to an emergency situation at the request of a law enforcement or emergency response official. This action is being taken in response to a petition submitted by the Towing and Recovery Association of America, Inc., (TRAA) which requested relief from the hours of service requirements of Part 395 for tow truck operators responding to the emergency situation. This amendment will provide needed flexibility to tow truck operators responding to highway emergencies. This rule also arranges the definitions in Section 395.2 alphabetically; adds the definition "on call"; and consolidates the exceptions and exemptions in Section 395.6 of the FMCSR's.

Timetable:

Action	Date	FR Cite
Notice Requesting Comments on Petition	08/11/88	53 FR 30369
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 05/00/90

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125–AC43

2075. ● INSPECTION, REPAIR AND MAINTENANCE; PERIODIC INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2509; 49 USC 3102

CFR Citation: 49 CFR 396

Legal Deadline: None

Abstract: This document amends 49 CFR Part 396, Inspection, Repair and Maintenance, of the Federal Motor Carrier Safety Regulations (FMCSR's). The Federal Highway Administration (FHWA) delayed the compliance date to July 1, 1990, when motor carriers are required to implement the periodic inspection requirements contained in the final rule, Inspection; Repair and Maintenance, published on December 7, 1988, (53 FR 49402). On December 12, 1988, the FHWA clarified that provisions of the final rule were to be complied with by December 7, 1989 (53 FR 49968) except as provided for in Part 396. This document also included recent interpretations, makes minor technical amendments to clarify the rule and eliminates certain items from the inspection report. These interpretations are made in response to many requests the FHWA has received to clarify the intent of the final rule. The elimination of some of the items that were to be included in the inspection report was made to simplify the recordkeeping requirements.The final rule (delay in compliance date) was published on 12/8/89 at 54 FR 50722. The provisions of this final rule became effective (cont)

Timetable:

Action	Date	FR Cite
Notice Request for Comments	03/16/89	54 FR 11020
Final Rule Delay in Compliance Date	12/08/89	54 FR 50722
Notice State Inspection Programs	12/08/89	54 FR 50726
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49402)

Additional Information: ABSTRACT CONT: on 12/7/89. The compliance date for the inspection requirements is 7/1/90. Additional Information: A public comment period is being provided. Due to the complexity of the procedures contained in the final rule, FHWA will conduct an on-going review of the procedures to determine if further revisions are warranted. The comment period (docket # MC-113) will be open to 2/6/90.

Agency Contact: Mr. Robert Hagan, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125–AC47

2076. ● NOTIFICATION AND REPORTING OF ACCIDENTS; PROPERTY DAMAGE

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 394

Legal Deadline: None

Abstract: The FHWA is amending the definition of "reportable accident" for motor carriers operating in interstate commerce by changing the criterion for reporting accidents resulting in only property damage under Part 394 of the Federal Motor Carrier Safety Regulations (FMCSRs). The current dollar value assessment is being replaced with a towaway criterion. "Towaway" is defined as "one or more vehicles incurring disabling damage as a result of the accident and transported away from the scene by a tow truck or another vehicle." Integral to this definition is the term disabling damage. This amendment does not affect the requirement to report a accidents involving injury or death. This action is being taken in an effort to standardize and simplify State and motor carrier industry accident reporting procedures by removing the uncertainty of estimating a dollar value amount. The FHWA is also soliciting comments on two other potential changes: (1) revising the Federal definition of a reportable accident to be consistent with the American National Standard Institute (ANSI) D-16 definition (cont)

DOT—FHWA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/90

Additional Information: ABSTRACT CONT: of a motor vehicle traffic accident and (2) removing the instructions for the Motor Carrier Forms 50-T and 50-B from Part 394.20 of the FMCSRs.

Agency Contact: Mr. William H. Blount, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125–AC48

2077. ● PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT WHEEL BRAKES ON MEXICAN COMMERCIAL MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: By an Interim Final Rule published on 11/24/89, the FHWA amended 49 CFR Part 393, Parts and Accessories Necessary for Safe Operation, of the Federal Motor Carrier Safety Regulations (FMCSR's). The amendment allows Mexican motor carriers operating commercial motor vehicles in border commercial zones time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels. This action will facilitate the flow of trade and traffic between the two countries without interruption. The FHWA also removed the exception (Paragraph (b)) from 393.1 which deferred application of Part 393 to certain Mexican commercial motor vehicles until November 18, 1989. In this Interim Final Rule the FHWA requested comments on all issues addressed. The FHWA will further review the issue along with public comments before deciding whether further action is necessary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/89	54 FR 48616
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/24/89 (54 FR 48616)

Additional Information: This rulemaking action originally appeared under RIN 2125-AC21. In order to clarify the many actions being taken in this area, the subject of this rulemaking action was assigned a separate RIN number.

Agency Contact: Mr. Neill L. Thomas, Department of Transportation, Federal Highway Administration, 202 366-2983

RIN: 2125–AC49

2078. ● CONTROLLED SUBSTANCES TESTING

Significance: Nonsignificant

Legal Authority: 23 USC 315; 49 USC 3102; 49 USC 504; 49 USC app 2505

CFR Citation: 49 CFR 381

Legal Deadline: None

Abstract: On November 21, 1988, the FHWA issued a final rule (53 FR 47134) requiring motor carriers to have an anti-drug program. This program includes testing drivers who operate commercial motor vehicles (CMV's) in interstate commerce for drug use. The final rule set forth the classes of controlled substances, the types of tests to be conducted, and through reference to 49 CFR 40, Procedures for Transportation Workplace Drug Testing Programs, procedures for testing and reporting of the test results. On November 6, 1989, the FHWA published a notice (54 FR 46616) that stated the FHWA policy regarding implementation of certain provisions of the anti-drug program in view of a preliminary injunction issued on January 6, 1989, enjoining the FHWA from implementing random and certain mandatory post-accident testing of commercial motor vehicle (CMV) drivers. The notice also clarified the types of testing that must be implemented by December 21, 1989. Implementation of the random and certain mandatory post-accident testing provisions of the 11/21/88 final rule will be deferred until further notice.

Timetable:

Action	Date	FR Cite
Final Rule	11/21/88	53 FR 47134
Corrections to Final Rule	09/27/89	54 FR 39546
Final Rule Deferred Implementation	11/06/89	54 FR 46616
Final Rule Deferred Compliance for Foreign Carriers	12/27/89	54 FR 53294
Interim Final Rule	02/01/90	55 FR 3546

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 11/21/88 (53 FR 47134)

Additional Information: The rulemaking actions published on the subject of Controlled Substances Testing and listed under Supplemental Timetable were published under RIN # 2125-AA79. The initial Final Rule published on 11/21/88 was considered major under EO 12291. It has been determined that the regulatory actions issued 11/06/89 and 02/01/90 regarding the drug testing program were only clarifying the initial rule. Therefore, they were considered non-major and non-significant. A final rule published on 12/27/89 at 54 FR 53294 deferred the compliance date to 1/2/92 for carriers domiciled in a foreign country.

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-2982

RIN: 2125–AC50

2079. ● TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC app 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This action technically amends Appendix A of 23 CFR 658 to correct, clarify, and simplify the description of routes federally designated as available to commercial motor vehicles authorized by the

DOT—FHWA

Final Rule Stage

Surface Transportation Assistance Act of 1982 (PL 97-424, 96 Stat. 2097).

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: (Minimal Impact); Regulatory Evaluation 04/00/90

Additional Information: Additional agency contact: Philip W. Blow, (202) 366-4036

Agency Contact: Mr. Richard A. Torbik, Department of Transportation, Federal Highway Administration, 202 366-0233

RIN: 2125–AC55

2080. ● HIGHWAY PLANNING AND RESEARCH PROGRAM ADMINISTRATION

Significance: Nonsignificant

Legal Authority: 23 USC 104(f); 23 USC 115; 23 USC 120; 23 USC 157; 23 USC 307; 23 USC 315; 49 CFR 1.48(b); 49 CFR 18

CFR Citation: 23 CFR 420

Legal Deadline: None

Abstract: This action will revise the regulation prescribing policies and procedures related to program planning and research projects undertaken with Federal-aid highway planning and research funds.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Dean Smeins, Chief, Planning Operations Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-9227

RIN: 2125–AC56

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

2081. + COMMERCIAL DRIVER'S LICENSE STANDARDS; DISQUALIFICATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC app 2505; PL 99-570, Title IX

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: None

Abstract: The FHWA amended Parts 383 and 391 of the Federal Motor Carrier Safety Regulations (FMCSR's) to address certain questions that were posed in the final rule (Docket MC-125; Notice No. 87-06) published in the Federal Register on June 1, 1987. Specifically, in this document the FHWA defines "excessive speeding," "reckless driving" and "other serious traffic violations." The FHWA also amended the subject parts to clarify or make minor revisions. Because of the public interest in the issue of commercial motor vehicle safety and the expected benefits of improved transportation safety, this action was considered significant under the regulatory policies and procedures of the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5036
NPRM Comment Period End	04/03/89	
Final Action	10/03/89	54 FR 40782
Final Action Effective	11/02/89	54 FR 40782
Correction to Final Rule	02/26/90	55 FR 6727

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/03/89 (54 FR 40782)

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4001

RIN: 2125–AC19

2082. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 4917; 23 USC 315

CFR Citation: 49 CFR 325

Legal Deadline: None

Abstract: The FHWA had initially decided to withdraw this rulemaking. Upon further review, it was determined that certain amendments were necessary. The final rule amends 49 CFR Part 325 to: (1) incorporate the Environmental Protection Agency (EPA) noise emission standards for commercial motor vehicles operating in interstate commerce; and (2) allow a minimum distance of 31 feet for measuring the level of exterior noise of commercial motor vehicles. This action allows greater flexibility in the enforcement of the noise emission standards. The FHWA is also retaining the 2 decibel (2dB(A)) correction factor for measurements made at accoustically hard sites.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120
Final Action	12/06/89	54 FR 50382
Final Action Effective	12/06/89	54 FR 50382

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 12/06/89 (54 FR 50382)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AA27

2083. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None

Abstract: The FHWA had considered a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. However, after

further review it has been determined that no further action by the FHWA is needed in this area. Therefore, the 11/18/82 ANPRM was withdrawn on 1/2/90 at 55 FR 37.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
Withdrawn	01/02/90	55 FR 37

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AA36

2084. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed rule was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
Withdrawn	09/08/89	54 FR 37343

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip L. Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4611

RIN: 2125–AB05

2085. ADVANCE CONSTRUCTION OF FEDERAL-AID PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320; PL 100-17, Sec 113

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: The FHWA has revised its regulations relating to the advance construction of Federal-aid highway projects. The revisions incorporate new provisions mandated by section 113 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). The procedures allow States to advance the construction of Federal-aid highway projects without requiring that Federal funds be obligated at the time the FHWA approves the project.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24715
NPRM Comment Period End	08/08/89	54 FR 24715
Final Action	03/30/90	55 FR 11902

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/30/90 (55 FR 11902)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2853

RIN: 2125–AC07

2086. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; EXEMPT INTRACITY ZONE; FOREIGN MOTOR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC app 2503; 49 USC 2505; 49 USC 3102; 49 USC 3104; 49 USC 504; PL 100-690, Sec 9102

CFR Citation: 23 CFR 390; 23 CFR 391; 23 CFR 393

Legal Deadline: None

Abstract: The FHWA is amending Parts 390, 391, and 393 of the Federal Motor Carrier Safety Regulations (FMCSRs). This action amends the intracity zone exemption to make it consistent with Truck and Bus Safety and Regulatory Reform Act of 1988 (the Act) (Title IX, Subtitle B of PL 100-690, 102 Stat. 4181). It also exempts certain foreign motor carriers from the provisions of 49 CFR Part 393 for a period of one year from the date of enactment of the Act (i.e., 11/18/89). The Act also required the Secretary to report to Congress on the effects of the delayed application and recommend "on the extent to which foreign motor carriers may or should comply with all or any of the requirements of Part 393." The final rule published on 3/24/89 requested comments on the application of Part 393 to foreign motor carriers. The rulemaking action responding to the public comments is being addressed in a separate rulemaking action which can be located under RIN 2125-AC49.

Timetable:

Action	Date	FR Cite
Final Action	03/24/89	54 FR 12200
Final Action Effective	04/24/89	54 FR 12200
Notice to Reopen Docket to 07/24/89	07/10/89	54 FR 28818

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/24/89 (54 FR 12200)

Additional Information: The final rule published on 3/24/89 (54 FR 12200) amended Parts 390, 391 and 393 of the FMCSRs to make the existing regulation consistent with Title IX, Subpart B of P.L. 100-690. The effective date for Parts 390 and 391 was 4/24/89. The effective date for Part 393 was 11/18/88. The final rule also requested public comment concerning future application of 393 to foreign motor carriers. The initial comment period closed on 6/22/89. A notice published on 7/10/89 at 54 FR 28818 reopened the docket until 7/24/89. The rulemaking action responding to public comments on future application of Part 393 is located under RIN 2125-AC49 under the final action section of the Agenda.

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC21

2087. TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; OREGON

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC app 2316; 23 USC 315

CFR Citation: 23 CFR 658

Lega. Deadline: None

Abstract: This regulatory action modifies the National Network for commercial motor vehicles by adding and deleting certain routes in Oregon. The National Network was established by the final rule on truck size and weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended. The State of Oregon requested the Federal Highway Administration (FHWA) to consider additions and deletions as authorized by the Surface Transportation Assistance Act (STAA) of 1982 (Pub. L. 97-424, 96 Stat. 2097).

Timetable:

Action	Date	FR Cite
Technical Amendments	06/05/89	54 FR 23976
NPRM	08/29/89	54 FR 35703
NPRM Comment Period End	09/28/89	
Final Action	12/06/89	54 FR 50365
Final Action Effective	12/06/89	54 FR 50365

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 12/06/89 (54 FR 50365)

Additional Information: ADDITIONAL AGENCY CONTACT: Philip W. Blow, (202) 366-4036.

Agency Contact: Mr. Richard A. Torbik, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0233

RIN: 2125–AC35

2088. TRUCK SIZE AND WEIGHT; DROMEDARY DECKS AND PLATES

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC app 2311 to 2313; 49 USC app 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking amended current regulations to include dromedary decks and plates under the dromedary box provisions. This preempts inconsistent State laws and regulations to permit truck tractors equipped with dromedary decks or plates having the capacity to carry cargo that were in legal use on December 1, 1982, to continue to operate throughout their useful lives. Proof of such legal use continues to rest with the operator of the equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35199
NPRM Comment Period End	10/23/89	
Final Action	02/13/90	55 FR 4996
Final Action Effective	03/15/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 02/13/90 (55 FR 4996)

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4029

RIN: 2125–AC37

2089. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; PAVEMENT MARKINGS

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 114(a); 23 USC 217; 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: This rulemaking action amends the Manual on Uniform Traffic Control Devices (MUTCD) to revise the definition of short-term pavement markings to provide the States with flexibility in providing temporary pavement markings in construction and maintenance areas. The MUTCD is incorporated by reference in 23 CFR 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. The amendment affects various parts of the MUTCD and is intended to expedite traffic, improve safety, and provide a more uniform application of highway signs, signals and markings.

Timetable:

Action	Date	FR Cite
Final Action	01/24/90	55 FR 2373

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 01/24/90 (55 FR 2373)

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2184

RIN: 2125–AC40

2090. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY; FOREIGN MOTOR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 10927

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: This rulemaking action was to respond to Section 9112 of the Truck and Bus Safety Regulatory Reform Act of 1988. This issue is now being addressed in a final rulemaking action under RIN 2125-AC46 which can be located in the completed action section of the Agenda.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2125-AC46	11/22/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mr. Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC41

2091. ● TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; MASSACHUSETTS

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313; 49 USC app 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rule technically amends Appendix A of 23 CFR Part 658 which identifies Interstate and other Federal-aid primary routes designated as part of the the National Network for trucks available to vehicles described in the Surface Transportation Assistance Act of 1982 (STAA). Specifically, this rule removes the footnotes related to time of day and other restrictions on Interstate highway segments in Massachusetts which are no longer valid. This amendment is in response to revisions to 23 CFR 658 which established specific approval requirements for use restrictions on Interstate highways.

Timetable:

Action	Date	FR Cite
Final Action	10/24/89	54 FR 43290
Final Action Effective	10/24/89	54 FR 43290

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 10/24/89 (54 FR 43290)

Additional Information: ADDITIONAL AGENCY CONTACT: John F. Grimm, (202) 366-4039.

Agency Contact: Mr. Kevin E. Heanue, Department of Transportation, Federal Highway Administration, **202 366-2951**

RIN: 2125–AC45

2092. ● MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; COVERAGE REQUIREMENTS FOR CERTAIN FOREIGN MOTOR CARRIERS; MEXICO

Significance: Nonsignificant

Legal Authority: 49 USC 10927

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA amended 49 CFR Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to allow Mexican motor carriers to satisfy the coverage requirements only during periods these motor carriers are actually operating their commercial motor vehicles in the United States. This action will complement the Interstate Commerce Commission's (ICC) requirement that all Mexican motor carriers obtain a Certificate of Registration (CR) before entering the United States and will facilitate the flow of trade and traffic between the two countries.

Timetable:

Action	Date	FR Cite
Final Action	11/29/89	54 FR 49091
Final Action Effective	12/29/89	54 FR 49091

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/29/89 (54 FR 49091)

Additional Information: The rulemaking action consolidated in this action is entitled "Federal Motor Carrier Safety Regulations; Minimum Levels of Financial Responsibility; Foreign Motor Carriers", RIN 2125-AC41, and will not appear hereafter as a separate item in the Agenda.

Agency Contact: Mr. Neill L. Thomas, Department of Transportation, Federal Highway Administration, **202 366-2983**

RIN: 2125–AC46

2093. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; RENTAL VEHICLE LEASING

Significance: Nonsignificant

Legal Authority: 49 USC 2905

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking action responded to a petition filed by the Truck Rental and Leasing Association (TRALA). The FHWA is proposing to amend its commercial motor vehicle marking requirements to allow certain "rental vehicles" to be marked with the name and address of the rental company and the U.S. DOT identification number issued to the rental company in lieu of requiring the rental motor carrier to display its required identification information on the sides of the rental vehicle. This action will enhance the uniform identification of commercial motor vehicles operated on the nation's highways and aid enforcement officers in carrying out their duties.

Timetable:

Action	Date	FR Cite
Final Action	02/28/90	55 FR 6991
Final Action Effective	03/30/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 02/28/90 (55 FR 6991)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2981**

RIN: 2125–AC51

2094. ● CERTIFICATION ACCEPTANCE; COVERAGE

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 117; 23 USC 315

CFR Citation: 23 CFR 640

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) amended its regulation on Certification Acceptance (CA) by updating the physical construction cost figure used for eligibility regarding a limited CA application procedure as provided in 23 CFR 640.107. This amendment reflects inflationary trends in construction cost indices, increases State operating flexibility, and reduces administrative burdens. A State may now elect to utilize limited-coverage under a simplified CA application procedure if the projects are estimated to cost less than $1 million as opposed to $500,000.

Timetable:

Action	Date	FR Cite
Final Action	02/12/90	55 FR 4835

Small Entities Affected: None

Government Levels Affected: State

Analysis: (Minimal Impact); Regulatory Evaluation 02/12/90 (55 FR 4835)

Agency Contact: Mr. Seiner Silence, Department of Transportation, Federal Highway Administration, **202 366-0334**

RIN: 2125–AC52

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

2095. + ROLLOVER

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: Consumers Union petitioned for rulemaking to develop a new standard to protect against unreasonable risk of rollover. The petition was granted on September 1, 1988. This action is considered significant because of substantial public interest and safety factors involved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC64

2096. + STANDARD 102; TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT-SLIPPAGE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A petition is being considered which requests that an amendment be made which would require that automatic transmissions be designed so that they do not slip out of the PARK position. This issue is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC74

2097. + STANDARD 108; ID AND CLEARANCE LAMPS ON WIDE VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for location of identification and clearance lamps on vehicles that are more than 80 inches wide. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC78

2098. ● + REAR SEAT LAP/SHOULDER BELTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The agency has received 13 Petitions for Reconsideration in response to a recent Final Rule (54 FR 46257, November 2, 1989) requiring rear seat lap/shoulder belts in convertible cars, light trucks and multipurpose passenger vehicles and small buses. The petitions are under consideration. Although the petitions have not yet been evaluated or granted, this action has been designated as significant because of the public-interest aspects of the original rulemaking which might still apply if further rulemaking action is affirmed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: A majority of the Petitions for Reconsideration concern the newly added section S7.1.1.5 in FMVSS No. 208, Occupant Crash Protection, that requires some means to "lock" lap/shoulder belts for use with child restraint systems. NHTSA will decide how to respond to the various issues presented in the petitions.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD37

2099. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and a final report in August 1989. Comments were requested, which will be considered before the review ends.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Evaluation Report Published	03/20/87	52 FR 9609

DOT—NHTSA **Prerule Stage**

Action	Date	FR Cite
Interim Evaluation Report Published	08/04/89	54 FR 32153
End Review	06/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AB76

2100. REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	09/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AB78

2101. REVIEW: ROOF CRUSH RESISTANCE AND DOOR LOCKS AND DOOR RETENTION COMPONENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.206; 49 CFR 571.216

Legal Deadline: None

Abstract: This program was selected for review because of costs. The evaluation studied the effect of roof crush strength and door lock improvements on the crashworthiness of passenger cars in rollover crashes. Comments have been requested on the results of the evaluation report.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
Evaluation Report Availability; Request for Comments	11/30/89	54 FR 49388
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/31/90

Additional Information: Title was amended to add door locks and door retention components. Comments on the Evaluation Report due by 03/30/90.

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AC20

2102. ● REVIEW: GLASS-PLASTIC WINDSHIELDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: This review involves analysis of the costs, benefits, and operational performance of glass-plastic windshields regulated by Federal Motor Vehicle Safety Standard No. 205. This program was selected because of public interest and potential benefits.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/89	
End Review	05/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AD29

2103. STANDARD 301; FUEL-SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks.

Timetable:

Action	Date	FR Cite
End Review	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AB43

2104. SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

DOT—NHTSA

Prerule Stage

Legal Deadline: None

Abstract: The intention to apply in Federal Motor Vehicle Safety Standard No. 208 rulemaking additional injury criteria in order to prevent facial lacerations, neck injury, knee shear, tibia, and ankle trauma was announced in Notice 39 Docket 74-14 (50 FR 14602, April 12, 1985). The final rule (Notice 40) stated that the agency will issue another Notice on the additional information about the potential effects of adopting these criteria. Alternatives and potential costs were addressed in Notice 39.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC12

2105. STANDARD 208; OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA AND MANDATORY USE OF THE PART 572(E) DUMMY IN THE STANDARD COMPLIANCE TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Petitions for reconsideration have raised the question of whether the Part 572(E) dummy's chest deflection limit of 2 in. is appropriate for belt restraints. The rulemaking will address the petitioner's issues. The intention is to upgrade the chest-deflection injury criteria for unrestrained occupants when vehicles are tested for the Standard compliance with the Hybrid III Dummy The Final Rule stated that the agency will have to resolve this issue by September 1, 1990.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Former title: Mandatory Use of the Part 572(E) Dummy in FMVSS 208 Compliance Testing.

RIN 2127-AC34, involving chest injury criteria, has been consolidated herein.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC13

2106. BUMPER STANDARD - DAMAGE CRITERIA

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581; 49 CFR 582

Legal Deadline: None

Abstract: Consumers Union has petitioned to restore the bumper-damage criteria to the 1982 protection level of 5mph or, if this is not possible, to require automobile dealers to provide repair cost and insurance premium information related to the bumper systems on the passenger cars that they sell. The agency has completed and published a study on the cost effects and consumer interest in bumper-damageability standards. The agency will now consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AC29

2107. BRAKE LINING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requesting initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and are presently under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC66

2108. FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 541

Legal Deadline: Other, Statutory, October 24, 1990.
The Motor Vehicle Information and Cost Savings Act (P.L. 98-547) requires a Report to Congress five years after promulgation of the Federal Motor Vehicle Theft Prevention Standard.

Abstract: This standard, which applies to passenger cars, requires identifying numbers or symbols to be placed on

major parts of high theft passenger motor vehicles. A comprehensive evaluation will be performed to determine the effectiveness of the regulation in reducing the incidence of motor vehicle thefts and to estimate the costs of manufacturing and applying the identifying information. The evaluation of the regulation is required by the Motor Vehicle Information and Cost Savings Act and calls for a Report to Congress five years after promulgation of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/86	
End Review	10/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AC92

2109. STANDARD 105; HYDRAULIC BRAKE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: This standard regulates the performance of antilock brake systems for passenger cars and other vehicles with hydraulic brakes. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on some passenger cars. The standard, at this time, does not require them for all cars. The regulation was selected for review because of public interest in the costs and benefits of antilock brakes.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	06/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AC94

2110. STANDARD 105; HYDRAULIC BRAKE SYSTEMS - BRAKE FAILURE INDICATOR LAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have a brake failure indicator lamp which illuminates upon a failure within the brake system. This failure may be the result of a gross loss of pressure (Par. S5.3.1(a)) or a drop in the level of brake fluid in any master cylinder reservoir compartment to less than a specified safe level (S5.3.1(b)). The standard does not specify which mode of failure must be specified. This mode selection is left to the choice of the manufacturers. A petition from Mr. Sinclair Buckstaff, Transamerica Consultant Engineers (Buckstaff) requests that a loss of pressure indicator be made mandatory with a fluid level loss indicator to be optional (preferably mandatory) also, along with the pressure failure indicator. Buckstaff maintains a master cylinder internal failure can occur wherein no failure indication would ever occur if only a fluid level loss indicator were installed on the vehicle. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD03

2111. STANDARD 121; AIR BRAKE SYSTEMS TIMING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Petitions for reconsideration were received from Volvo GM Hedvk Truck Corporation and Navistar International Transportation Corporation in response to a final rule implementing timing requirements for parking-brake application and holding (03/11/88, 53 FR 7931).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD06

2112. STANDARD 121; AIR BRAKE SYSTEMS STOPPING-DISTANCE PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

DOT—NHTSA

Prerule Stage

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD07

2113. STANDARD 110, TIRE SELECTION AND RIMS; AND 120, TIRE SELECTION AND RIMS FOR OTHER THAN PASSENGER CARS - SIZE LABELLING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.120

Legal Deadline: None

Abstract: The agency has received a petition from the Rubber Manufacturers Association for rulemaking to amend FMVSS Nos. 110 and 120 to require size labelling of all new highway vehicle wheels, whether for original equipment or for the replacement market. Petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD23

2114. STANDARD 209; SEAT BELT ASSEMBLY - WINDOWSHADE TYPE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: The agency has received a petition from the Goodson Engineering, Inc., to amend FMVSS 209 to prohibit windowshade-type shoulder belt retractors. The petition for rulemaking was granted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD25

2115. ● TIRE LABELING, FMVSS 109, 110, 117, 119, 120; PARTS 569, 574, 575

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 569; 49 CFR 571.109; 49 CFR 571.110; 49 CFR 571.117; 49 CFR 571.120; 49 CFR 574; 49 CFR 575

Legal Deadline: None

Abstract: This review concerns the usefulness of various tire labels and information to consumers, tire sellers, repairers, and retreaders.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	06/01/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AD28

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Proposed Rule Stage

2116. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposed actions would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments	09/18/87	52 FR 35345
Comment Period End	11/09/87	
NPRM	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/31/91

Additional Information: Docket No. 80-9.

Research underway.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1537

RIN: 2127–AA12

2117. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

DOT—NHTSA

Proposed Rule Stage

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). In view of comments received, an SNPRM will be issued. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136
SNPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA43

2118. + SIDE-IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

Legal Deadline: None

Abstract: Contemplated action proposes amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors. This is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	
NPRM	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/91

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AB85

2119. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would establish a new brake standard for all trucks, buses, and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155
NPRM	07/31/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/31/90

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA00

2120. + PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: None

Abstract: Action proposes a New Standard No. 135. "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE). This rulemaking is significant because of substantial public interest; in light of comments received, a second SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612

Action	Date	FR Cite
Comment Period Extended to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/13/87	
Second SNPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/10/85 (50 FR 19744)

Additional Information: Docket No. 85-06. RIN AC63, Passenger-Car Brake Systems has been consolidated into this rulemaking.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA13

2121. + STANDARD 302; FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.302

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/00/90

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA44

2122. + PEDESTRIAN PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian injuries through modification of the vehicle frontal structure. This rulemaking is significant because of substantial public interest. Due to technical problems, a second NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015
NPRM Comment Period End	05/22/81	46 FR 7015
Second NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA45

2123. + STANDARD 205; GLAZING MATERIALS, FILM TRANSMITTANCE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: A rulemaking petition was granted which requested an amendment be made to the standard which would allow the applications of a film with 35 percent transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public interest expected to be generated.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/89	54 FR 30427
Petition for Rulemaking Granted	07/20/89	54 FR 30427
ANPRM Comment Period End	09/18/89	54 FR 30427
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC85

2124. + STANDARD 217; BUS WINDOW RETENTION AND RELEASE - UPGRADE FOR SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of the standard to increase the minimum number of emergency exists on school buses. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44623
ANPRM Comment Period End	01/03/89	53 FR 44623
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC88

2125. + STANDARD 301; FUEL-SYSTEM INTEGRITY - UPGRADE FOR BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: NHTSA is contemplating amending the standard to include buses over 10,000 pounds gross vehicle weight rating (GVWR) (such as intercity and transit buses) and to upgrade the standard's current requirements for all buses (including school buses) to which the standard already applies. The current standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less. This action is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/89	54 FR 13082
ANPRM Comment Period End	05/30/89	54 FR 13082

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC89

2126. + STANDARD 111; REARVIEW MIRRORS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This action is designed to help prevent school buses from running over children by improving mirrors and other items. This will probably necessitate more mirrors on the school buses, resulting in added cost for this additional equipment. Some drivers will need additional training. This is significant because of of substantial public interest, and possible Federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/89	54 FR 53127
ANPRM Comment Period End	02/12/90	54 FR 53127

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD24

2127. + PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

Significance: Agency Priority

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1325

Legal Deadline: None

Abstract: This regulation will implement an improved National Driver Register (NDR), the purpose of which is to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The objective is to prevent the issuance of driver's licenses to individuals whose licenses to operate a motor vehicle have been withdrawn or denied, especially those convicted of drunk driving. By participating in the NDR, State Driver licensing officials may better identify problem drivers and deny them access to the nation's highways, thus making them safer. Annual cost to the Government will be between $5 and $7 million. This action is considered significant because of the impact on transportation safety.

Timetable:

Action	Date	FR Cite
NPRM	04/04/90	55 FR 12509
NPRM Comment Period End	05/21/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clayton E. Hatch, Chief, Driver Register Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4800

RIN: 2127–AD26

2128. ● + CENTER HIGH-MOUNTED STOPLAMPS FOR LIGHT TRUCKS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: It has been determined that center high-mounted stoplamps on passenger cars help prevent rear end crashes. This rulemaking action will extend the present requirement to include light vehicles other than passenger cars. It is considered significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD35

2129. REARVIEW MIRROR SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend FMVSS No. 111 to improve mirror systems for light and heavy trucks, buses, and multipurpose passenger vehicles.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657
SNPRM	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/31/91

Additional Information: Docket No. 71-3a. NPRM, Notice 4. Two other rulemakings involving rearview mirror systems have been consolidated herein: RINS 2127-AA23 and 2127-AA88.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AA21

2130. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite
NPRM	11/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1834**

RIN: 2127–AB79

2131. ANTHROPOMORPHIC TEST DUMMIES: 9-MONTH-OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would add the specification covering the 9-month-old-child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/21/89	54 FR 52425
NPRM Comment Period Correction	01/11/90	55 FR 1139
NPRM Comment Period End	06/19/90	54 FR 52425
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/21/89 (54 FR 52425)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AC10

2132. STANDARD 221; SCHOOL BUS BODY JOINT STRENGTH

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: ANPRM requested comments on three items, all related to FMVSS No. 221 School Bus Body Joint Strength. These are: (a) possible new standard requiring minimum floor strength for large school buses over 10,000 lbs. GVWR, (b) revision of exemption provision for maintenance access panels, and (c) revision of test procedures of FMVSS No. 221.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to 10/15/87	08/12/87	52 FR 29873
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/30/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AC19

2133. BUMPER STANDARD - TEST PROCEDURES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581

Legal Deadline: None

Abstract: Subaru of America has petitioned to modify the test conditions for bumper compliance testing so that vehicles with variable height suspension would be tested at the normal, unraised height position. This action will consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this petition is awaiting disposition of a petition on vehicle classification, RIN 2127-AA57.

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Divison, Office of Market Incentives,

Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AC30

2134. STANDARD 118; POWER-OPERATED WINDOW SYSTEMS, SUNROOFS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: Amendments will be proposed to Federal Motor Vehicle Safety Standard No. 118 to extend the standard's requirements to power-operated sunroofs and either permitting external non-key locking systems to operate windows and sunroofs or prohibiting all external operating systems.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/90

Additional Information: This project has been separated from RIN 2127-AC25, entitled: Power-Operated Window Systems, which was a completed action 6/24/88 (53 FR 23766).

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC52

2135. STANDARD 106; BRAKE HOSES: PERMANENTLY ATTACHED END FITTINGS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Volvo-White Truck Corporation petitioned to amend Federal Motor Vehicle Safety Standard No. 106 to change the definition of permanently attached end fitting to include fittings that are attached by permanent methods other than crimping or swagging. The petition was granted.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Ralph Hitchcock, Dirctor, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC55

2136. STANDARD 208; OCCUPANT CRASH PROTECTION, EMERGENCY LOCKING RETRACTORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition, and a related one from Environmental Research and Safety Technologists of Flagstaff, Arizona, were granted.

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: See a related rulemaking action involving these petitioners under RIN 2127-AD08.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC57

2137. STANDARD 301; FUEL SYSTEM INTEGRITY, TESTING PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 301 specifies requirements for the integrity and security of vehicle's entire fuel system, including the fuel tank, fuel pump, lines and connections in front and rear, or lateral barrier impact tests; also fuel loss must not exceed one ounce per minute in a static rollover test following these barrier crash tests as well as not exceeding these limits after and incidental to the crash tests. Thomas Feahney petitioned the agency to amend the Standard to include simple functional testing to assure performance equivalent to fuel systems made of high density polyethylene. The petition was granted and an ANPRM requested comments.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/89	54 FR 9855
ANPRM Comment Period End	05/08/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC58

2138. STANDARD 301; FUEL SYSTEM INTEGRITY, FUEL SPILLAGE

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC62

2139. COMPREHENSIVE REVIEW OF VISIBILITY TOPICS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111; 49 CFR 571.219

Legal Deadline: None

Abstract: As a result of requests for interpretation for head-up displays and other devices which affect driver visibility through vehicle windows, the agency is conducting a comprehensive review of visibility research. The ANPRM requested comments on possible future actions.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/89	54 FR 50783
ANPRM Comment Period End	01/25/90	54 FR 50783

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC69

2140. ● PARKING BRAKE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: The agency received two petitions for reconsideration to the amendment to FMVSS No. 121, Air Brake Systems, to clarify the standard's parking brake requirements in a final rule published in the Federal Register (53 FR 7931) on March 11, 1988. The agency granted these petitions from Navistar International Corporation and Volvo GM Heavy Truck Corporation on February 2, 1990. The agency proposes further revisions in Standard No. 121's parking brake requirements and new requirements concerning release performance and accumulation of actuation energy for parking brakes.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4447
NPRM Comment Period End	04/09/90	55 FR 4447
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William A. Boehly, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC73

2141. STANDARD 121; AIR-BRAKE SYSTEMS, SUPPLEMENTAL CONNECTOR

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Wabco has petitioned the agency to amend the standard to allow the use of a supplemental electrical connector instead of the stop lamp circuit to power the antilock brake system on air-braked trailers. The petitioner believes the use of a supplemental connector would provide better performance and protection against system malfunctions.

Timetable:

Action	Date	FR Cite
Petition Granted by Letter	03/17/88	
Request for Comments	10/12/88	53 FR 39751
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC80

2142. ESTABLISH A STANDARD FOR SAFE ENTRY AND EXIT REQUIREMENTS FOR COMMERCIAL VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The International Brotherhood of Teamsters has

petitioned the agency to commence rulemaking to establish safe entry and exit requirements for commercial vehicles. The Teamsters urged that such requirements are necessary to combat frequent injuries to professional drivers from slipping and falling. The petition was granted and notice issued requesting comments.

Timetable:

Action	Date	FR Cite
Petition Granted	07/03/80	45 FR 45336
Request for Comments	08/28/89	54 FR 35515
Comment Period End	10/12/89	
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC, 202 366-0842

RIN: 2127–AC82

2143. STANDARD 201; OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This action responds to a petition by Chrysler to exempt from the head-impact requirements of the standard those vehicles equipped with a passenger-side airbag complying with Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection.

Timetable:

Action	Date	FR Cite
Request for Comments	08/10/89	54 FR 32830
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC84

2144. STANDARD 213; CHILD RESTRAINT SYSTEMS - NEWBORN AND VERY SMALL CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This action responds to a petition to amend the standard to provide specific requirements for restraints to be used by newborn and very small children.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC87

2145. PEDESTRIAN HEAD-PROTECTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian head injuries through modification of the vehicle hood structure.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC90

2146. STANDARD 106; BRAKE HOSES - ASSEMBLIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 106 requires hoses, end fittings, and hose assemblies, except under limited circumstances, to be marked in a manner providing source identification for the hose, fitting, or assembly. Paragraphs S12 and S13 provide two exceptions. Paragraph S12 exempts "assemblies" from individual labelling of the "components." The "assembly" must still be labeled as specified in the appropriate paragraphs S5.2, S7.2, and S9.2. Paragraph S13 exempts hoses, fittings, and assemblies, if each or all are installed in a vehicle to which the standard applies (i.e., new vehicles, factory assemblies) from the individual requirements for labelling these components or assemblies. Rulemaking is to be initiated to clarify these requirements as they apply to the labelling of components or assemblies which use "reusable" fittings. A conflict may exist as to whether these materials with "reusable" components are considered to be "assemblies."

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20690, 202 366-0842

RIN: 2127–AD04

DOT—NHTSA

Proposed Rule Stage

2147. STANDARD 116; MOTOR VEHICLE BRAKE FLUIDS - COLOR REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 106 requires that brake fluids classified as type DOT-5 be colored purple. Mr. Frank Haynes, Bendix-France (Haynes) and others have petitioned for rulemaking concerning the requirements as to color coding, pH value, and chemical stability for DOT-5 nonsilicone brake fluids. Petitioners requested these new types be differentiated from the silicone fluids. Petitions for rulemaking were granted by letter 08/01/89.

Timetable:

Action	Date	FR Cite
NPRM	03/02/90	55 FR 7510
NPRM Comment Period End	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/90 (55 FR 7510)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD05

2148. STANDARD 207; SEATING SYSTEMS - PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the Standard. The NPRM requested comments.

Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM Comment Period End	12/04/89	54 FR 40896

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD08

2149. STANDARD 207; SEATING SYSTEMS - TEST PROCEDURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: The agency is considering whether to adopt a test procedure more appropriate to pedestal seats.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD09

2150. STANDARD 108; LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - PETITIONS FOR RECONSIDERATION, REFORM

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has received petitions for reconsideration of the final rule for near-term headlighting reform (54 FR 20066, May 9, 1989 - RIN 2127-AC53) from Chrysler, Ford, General Motors, Koito, Motor Vehicle Manufacturers Association, and Volkswagen. The petitions are under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD17

2151. STANDARD 109; NEW PNEUMATIC TIRES AND PART 575.104, UNIFORM TIRE QUALITY GRADING STANDARDS - CT TIRES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109; 49 CFR 575.104

Legal Deadline: None

Abstract: The agency has received a petition from General Tire, Inc., Continental AG, Germany, and Daimler-Benz AG, Germany, for rulemaking to amend FMVSS No. 109 and Part 575.104 to allow the use of CT tires (tires which use an inverted flange rim). The petition was granted. The NPRM proposed to amend the standard but also invited comments.

Timetable:

Action	Date	FR Cite
NPRM	02/14/90	55 FR 5237
NPRM Comment Period End	04/16/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD21

2152. ● INSURER REPORTING REQUIREMENTS; LIST OF INSURERS REQUIRED TO FILE REPORTS IN OCTOBER 1990

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2022; 15 USC 2023; 15 USC 2024; 15 USC 2025; 15 USC 2026

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: This notice lists the subject insurers, including rental and leasing companies, required to file annual reports with this agency on motor vehicle theft, unless exempt from filing such reports. The listing of insurance companies in this notice is derived from data provided by A. M. Best, the Automotive Fleet Fact Book, and Business Travel News Survey, whose data are based on reports submitted voluntarily by the insurance industry and rental and leasing industry. Those insurance companies and rental and leasing companies included on the final rule listing would be required to file reports for the 1989 calendar year not later than October 25, 1990. Any insurance company or rental and leasing company not on the final list is not required to file a report for the 1989 calendar year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-4808

RIN: 2127–AD31

2153. ● PROCEDURES FOR SELECTING LINES TO BE COVERED BY THE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2022; 15 USC 2023; 15 USC 2024; 15 USC 2025; 15 USC 2026

CFR Citation: 49 CFR 542

Legal Deadline: None

Abstract: This proposed amendment to 49 CFR 542 will require manufacturers to provide the agency with any information necessary to select the likely high-theft carlines to be covered by the Theft Prevention Standard. Presently, the manufacturers are not required to provide the agency with this information and, thus, few manufacturers submit information within the specified time frame established under Section 603 of the Cost Savings Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-4808

RIN: 2127–AD32

2154. ● AUTOMATIC BRAKE ADJUSTERS FOR HEAVY DUTY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would require automatic brake adjusters and brake adjustment indicators on all trucks, buses, MPVs and trailers over 10,000 pounds GVWR. On-road vehicle inspections and accident data indicate that brakes out of adjustment is a safety problem which adjusters and indicators--in conjunction with on-road inspections--should alleviate.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD34

2155. ● BEAD UNSEATING TEST FIXTURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: Petition from Rubber Manufacturers Association (RMA) for a change in the dimensions of the bead unseating test fixture to accommodate 17- and 18-inch T-type tires. This is a technical amendment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD36

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

2156. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period Extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Marilynne Jacobs, Director, Office, Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1740**

RIN: 2127–AA03

2157. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded. This action is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2254
NPRM RIN 2127-AB86	01/27/88	53 FR 2239
NPRM Correction RIN 2127-AA48	03/17/88	53 FR 8783
NPRM Correction RIN 2127-AB86	03/17/88	53 FR 8782
NPRM Comment Period End	10/24/88	53 FR 2254
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Preliminary Regulatory Evaluation 01/27/88 (53 FR 2254)

Additional Information: A related issue, side-impact thorax protection (RIN AB86) has been consolidated into this proceeding.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AA48

2158. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2167
NPRM Comment Period End	03/20/89	54 FR 2167
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 01/19/89 (54 FR 2167)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0846**

RIN: 2127–AB21

2159. + LIGHTING SIMPLIFICATION—POTENTIAL AMENDMENTS ON LONG-TERM ISSUES; STANDARD 108

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	10/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM; Second	05/09/89	54 FR 20048
Correction to Second NPRM	05/19/89	54 FR 21727
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

DOT—NHTSA **Final Rule Stage**

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AB87

2160. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the advance notice invited comment on possible amendments to the regulation with respect to the manner in which light trucks, vans, multipurpose vehicles, and certain other vehicles are classified. The October 17, 1988 Notice of Proposed Rulemaking proposed two alternative vehicle classification approaches for those vehicles now categorized as light trucks, multipurpose passenger vehicles, and passenger cars. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41475
ANPRM Comment Period End	12/28/87	52 FR 41475
ANPRM Comment Period Extended to 01/25/88	01/07/88	53 FR 426
NPRM	10/17/88	53 FR 40463
NPRM Comment Period End	01/17/89	53 FR 40463
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/88 (53 FR 40463)

Agency Contact: Deborah Parker, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4931**

RIN: 2127–AA57

2161. + SIDE-IMPACT PROTECTION—LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.214

Legal Deadline: None

Abstract: The purpose of this notice is to announce that the NHTSA is considering the proposal of requirements for light trucks, vans, and multipurpose passenger vehicles intended to reduce the risk of fatalities and injuries in side impacts and other crashes where the side protection of the vehicle is a relevant factor, and to request comments to assist the agency in developing the proposal. The contemplated requirements would be part of the agency's efforts to address the serious problem of side impacts. As another part of those efforts, the agency proposed requirements for passenger cars intended to reduce the risk of injuries to the thorax and pelvis in side impact crashes between vehicles. (RIN 2127-AB86.) This rulemaking is considered significant because of the public safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
Comment Period Extension Denied	09/27/88	53 FR 37615
Comment Period Extension Denied	10/17/88	53 FR 40462
ANPRM Comment Period End	10/18/88	53 FR 31716
NPRM	12/22/89	54 FR 52826
NPRM Comment Period End	02/20/90	54 FR 52826
Comment Period Extended to 03/22/90	02/23/90	55 FR 6407
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/22/89 (54 FR 52826)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 7th Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AC43

2162. + STANDARD 208; OCCUPANT CRASH PROTECTION - UPGRADE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action would require automatic occupant crash protection in light trucks, vans, and multipurpose passenger vehicles. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/09/90	55 FR 747
NPRM Comment Period End	03/12/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/90 (55 FR 747)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AD10

2163. + STANDARD 216; ROOF CRUSH RESISTANCE - LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.216

Legal Deadline: None

DOT—NHTSA

Final Rule Stage

Abstract: The NPRM proposed to extend the roof crush resistance requirements of the standard to cover light trucks, vans, and multipurpose vehicles (MPVs). This rulemaking is intended to reduce the risk of fatalities and injuries in rollover accidents and other crashes where the roof crush resistance of the vehicle is a relevant factor. It is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/02/89	54 FR 46275
NPRM Comment Period End	01/02/90	54 FR 46275
Comment Period Extension Denied	01/05/90	55 FR 446
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 11/02/89 (54 FR 46275)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AD13

2164. + STOP-SIGNAL ARMS ON NEW SCHOOL BUSES; NEW STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Many injuries occur to school age children when drivers of other vehicles do not see the children or the school bus as the children are approaching or leaving a school bus. An average of 13 fatalities per year were reported resulting from pedestrians being struck by vehicles other than the school bus as they are approaching or leaving the school bus. The objective of this proposed project is to develop a new motor vehicle safety standard that will require installation of stop signal arms on all new school buses as recommended in the National Research Council's report "Improving School Bus Safety." Stop signal arms are stop signs with flashing red lights that extend from the left side of the school bus when it stops to load or unload students. This will probably necessitate additional equipment and possibly more training for some drivers. This action is significant because of substantial public interest, and possible Federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	55 FR 3618
NPRM Comment Period End	03/19/90	
Final Action	12/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 02/02/90 (55 FR 3618)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AD16

2165. AIR-BRAKE SYSTEMS, PARKING AND EMERGENCY BRAKES - TRAILERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would revise the requirements in Standard No. 121 for parking and emergency-brake functions for trailers. In view of comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Comment Period End	08/24/81	46 FR 37952
SNPRM Comments Due 04/09/90	02/08/90	55 FR 4453
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/08/90 (55 FR 4453)

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AA27

2166. PART 571.3 - DEFINITIONS - SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would update the definition of Seating Reference Point.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Additional Information: Docket No. 82-05.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AA46

2167. SEAT-BELT-ASSEMBLY ANCHORAGES - HARMONIZE AND UPGRADE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This action proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE)

DOT—NHTSA **Final Rule Stage**

Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
NPRM Comment Period End	04/06/87	52 FR 3293
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/03/87 (52 FR 3293)

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AA95

2168. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN: 3-YEAR-OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29071
NPRM Comment Period End	11/08/89	54 FR 29071
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/11/89 (54 FR 29071)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AB94

2169. ANTHROPOMORPHIC TEST DUMMIES: 6-YEAR-OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This action would add the specifications covering the 6-year-old-child test dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13901
NPRM Comment Period End	10/03/89	54 FR 13901

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/06/89 (54 FR 13901)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC09

2170. STANDARD 205; GLAZING MATERIALS BALL DROP TEST

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: Based on a petition, this action proposed to amend FMV Safety Standard No. 205, Glazing Materials, to revise the ball drop test No. 26 to allow clamping of glass-plastic samples.

Timetable:

Action	Date	FR Cite
NPRM	10/11/89	54 FR 41636
NPRM Comment Period End	11/27/89	54 FR 41636
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/11/89 (54 FR 41636)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC14

2171. NEW NON-PNEUMATIC TIRES FOR PASSENGER CARS, TIRE SELECTION, AND RIMS - TEMPORARY USE OF NON-PNEUMATIC SPARE TIRES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.129

Legal Deadline: None

Abstract: Based on a petition, the agency is proposing an amendment to Federal Motor Vehicle Safety Standard No. 110, Tire Selection and Rims - Passenger Cars, to allow temporary use of non-pneumatic spare tires and establish performance requirements for them in a new Federal Motor Vehicle Safety Standard No. 129, Non-Pneumatic Tires for Passenger Cars.

Timetable:

Action	Date	FR Cite
Request for Comments	09/23/87	52 FR 35740
Comment Period End	12/22/87	
NPRM	04/07/89	54 FR 14109
NPRM Comment Period End	06/06/89	54 FR 14109
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/07/89 (54 FR 14109)

Additional Information: Former title: Non-Pneumatic Tires for Passenger Cars.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC18

DOT—NHTSA

Final Rule Stage

2172. GEAR LOCK; THEFT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: This action would amend Federal Motor Vehicle Safety Standard 114 to prevent the inadvertent knocking out of gear of the gear shift lever and potential accidents, injuries and fatalities from vehicles rolling out of control. This amendment is in response to a petition for rulemaking relating to an inadvertent knock-out-of-gear accident resulting in a fatality. In addition, FMVSS 114 is proposed to be amended to insure that, if a steering column locking device is employed, the device cannot be activated until the key is removed and the vehicle must be in park on automatic transmission vehicles to remove the key.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11105
Comment Period Extended to 07/05/88	05/18/88	53 FR 17732
NPRM Comment Period End	05/20/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Prelim. Regulatory Evaluation 04/05/88 (53 FR 11105)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC24

2173. PART 544, MOTOR VEHICLE THEFT PREVENTION; REPORTING REQUIREMENTS FOR MOTOR VEHICLE RENTAL AND LEASING COMPANIES

Significance: Nonsignificant

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Final, Statutory, October 25, 1989.

Rental and leasing companies who are self-insured are required to report to the agency October 25th of each year.

Abstract: This notice has proposed to require theft reports only from rental and leasing companies with combined fleets of 50,000 or more vehicles. This would result in the largest rental and leasing companies being required to file theft reports, instead of the approximately 4,000 companies currently required to do so. NHTSA has determined that reports from the largest rental and leasing companies would provide the agency with the representative sampling of the theft experience of rental and leasing companies, while reducing an unnecessary burden on smaller such companies.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5519
NPRM Comment Period End	03/20/89	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: This action proposes amendment to the final rule published 01/02/87 (52 FR 59).

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, NRM-20, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4808

RIN: 2127–AC32

2174. STANDARD 205; GLAZING MATERIALS - CREATE A NEW CATEGORY, AS-15

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: The Taliq Corporation of Sunnyvale, CA, petitioned the agency to create a new category of glass-plastic glazing, AS-15. This proposed glazing would consist of a layer of tempered glass and a layer of plastic with the tempered glass layer on the outside surface when installed in the vehicle. This glazing would be permitted only in vehicle locations not requisite for driving visibility. The petition was granted and the NPRM proposed to expand upon the request.

Timetable:

Action	Date	FR Cite
NPRM	10/11/89	54 FR 41632
NPRM Comment Period End	11/27/89	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/11/89 (54 FR 41632)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC38

2175. STANDARD 108; PROPOSED USE OF 9007 BULBS FOR HEADLAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: Ford has petitioned to allow Federal Motor Vehicle Safety Standard No. 108 to be amended to permit a new replaceable bulb design for headlamps and replacement use, designated HB5. The petition was granted with a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	54 FR 27399
NPRM Comment Period End	08/14/89	54 FR 27399
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/29/89 (54 FR 27399)

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC59

2176. STANDARD 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT; UPGRADE REFERENCES

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition from Truck Safety Equipment Institute (TSEI) primarily requested NHTSA to update references in Federal Motor Vehicle Safety Standard No. 108 to latest version of Society of Automotive Engineers (SAE) standards for stoplamps and turn signal lamps. The NPRM proposed to incorporate by reference the current SAE standards.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35097
NPRM Comment Period End	10/24/88	53 FR 35097
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35097)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC68

2177. STANDARD 102; TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT - SHIFT POSITION/PATTERN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for indication of the shift position or shift pattern for transmissions that do not have a "PARK" position.

Timetable:

Action	Date	FR Cite
NPRM	01/12/90	55 FR 1226
NPRM Comment Period End	02/26/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/12/90 (55 FR 1226)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC75

2178. STANDARD 108; OPTICALLY COMBINED LAMPS: NEW DEFINITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition, an amendment was proposed, to introduce a new definition for the term "optically combined" concerning lamps.

Timetable:

Action	Date	FR Cite
NPRM	12/05/89	54 FR 50254
NPRM Comment Period End	01/19/90	54 FR 50254
Comment Period Extended to 02/19/90	01/31/90	55 FR 3242
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/05/89 (54 FR 50254)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC77

2179. STANDARD 121; AIR-BRAKE SYSTEMS, EXPANDABLE AND DROP FRAME CONTAINER CHASSIS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: The Truck Trailer Manufacturers Association has petitioned the agency to amend the standard to remove extendable and drop frame container chassis from the partial exclusions applying to heavy hauler trailers. The petitioner believes that the reasons for excluding heavy hauler trailers from certain requirements of the standard do not apply in the case of container chassis. The NPRM proposed to amend the standard accordingly.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	54 FR 49781
NPRM Comment Period End	01/30/90	54 FR 49781
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC81

2180. STANDARD 208; OCCUPANT CRASH PROTECTION - BROADEN TEST PROCEDURES FOR HEAVY TRUCKS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action responds to two petitions for reconsideration on the final rule for seat belts on trucks over 10,000 lbs. gross vehicle weight rating (07/06/88, 53 FR 25337). The rule requires retractors on the belt systems and standardized buckle releases. The petitions requested the agency amend the rule to broaden the test procedure to include anti-cinching devices

anywhere on the seat belt systems. The petitions were granted with a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29069
NPRM Comment Period End	08/25/89	54 FR 29069
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Another petition for reconsideration was requesting a change to this same rule to require retractors only on front outboard seats. This petition was from the Recreational Vehicle Industry Association. The petition was granted (RIN 2127-AB71) with a Final Rule (July 11, 1989, 54 FR 29041).

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC86

2181. DRIVING RANGE DETERMINATION FOR DUAL-FUEL PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 2013

CFR Citation: None

Legal Deadline: Final, Statutory, April 14, 1990.
Eighteen months after enactment of the law.

Abstract: The Alternative Motor Fuels Act of 1988 (P.L. 100-494) requires the establishment of minimum driving range for two groups of dual energy passenger automobiles: those operating on alcohol and either gasoline or diesel fuel, and for those operating on natural gas and either gasoline or diesel fuel. This rulemaking addresses that mandate.

Timetable:

Action	Date	FR Cite
Request for Comments by 07/17/89	06/15/89	54 FR 25539
NPRM	02/16/90	55 FR 5633
NPRM Comment Period End	03/19/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/16/90 (55 FR 5633)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AD02

2182. STANDARD 208; OCCUPANT CRASH PROTECTION - DYNAMICALLY TESTED SEAT BELTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208; 49 CFR 571.209

Legal Deadline: None

Abstract: This action responds to petitions by Volkswagen and Ford Motor Company to exempt certain dynamically tested safety belts from elongation and other requirements for Federal Motor Vehicle Safety Standard No. 209, Seat Belt Assembly. The petitions for rulemaking were granted by letter.

Timetable:

Action	Date	FR Cite
NPRM	01/18/90	55 FR 1681
NPRM Comment Period End	03/05/90	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD11

2183. STANDARD 108; LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - HUMIDITY TEST

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency received petitions from Hella, Bosch, and Koito for clarification of the humidity test procedures. Petitions were granted.

Timetable:

Action	Date	FR Cite
NPRM	11/27/89	54 FR 48776
NPRM Comment Period End	01/11/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/27/89 (54 FR 48776)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD18

2184. STANDARD 109; NEW PNEUMATIC TIRES - LABELLING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: The agency has received a petition from the European Tyre and Rim Technical Organization (ETRTO) requesting amendment to the standard pertaining to the tire labelling requirements. The petition was granted by letter 08/23/89.

Timetable:

Action	Date	FR Cite
NPRM	02/08/90	55 FR 4445
NPRM Comment Period End	03/12/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/08/90 (55 FR 4445)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

DOT—NHTSA **Final Rule Stage**

St., SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AD22

2185. AIR-BRAKE SYSTEMS; PNEUMATIC TIMING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This action proposes to require for towing vehicles that actuation at the interface between towing vehicles and trailers must be at least as fast as actuation at the towing vehicle brake chambers. It also proposed requirements for towing trailers to ensure that the relay booster valves used on these trailers do not upset brake balance between vehicles in a combination.

Timetable:

Action	Date	FR Cite
NPRM	05/03/89	54 FR 18912
NPRM Comment Period End	07/03/89	
Comment Period Extended to 10/03/89	07/21/89	54 FR 30571
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/89 (54 FR 18912)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AD27

2186. ● FINAL LISTING OF HIGH THEFT LINES FOR MODEL YEAR 1991

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2022; 15 USC 2023; 15 USC 2024; 15 USC 2025; 15 USC 2026

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The purpose of this notice is to report the results of this agency's actions for determining which carlines are subject to the marking requirements of the motor vehicle theft prevention standard for the model year 1991 and publish a list of those carlines. The agency has previously published a list of the carlines that were selected as high-theft carlines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the carlines in the previous lines, as well as the new lines that were introduced for the 1991 model year and that have been selected as likely high-theft lines. This notice is revised yearly (each model year).

Timetable:

Action	Date	FR Cite
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590. **202 366-4808**

RIN: 2127–AD33

DEPARTMENT OF TRANSPORTATION (DOT) **Completed Actions**

National Highway Traffic Safety Administration (NHTSA)

2187. + SIDE-IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: NPRM proposes amending the current standard to upgrade thoracic protection in passenger-car side impacts. This action is considered significant because of the safety implications involved. It has been consolidated into RIN AA48, which involves related issues.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2239
NPRM Comment Period End 10/24/88	01/27/88	53 FR 2239
NPRM Technical Correction	03/17/88	53 FR 8782
Consolidated into RIN 2127-AA48	09/20/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/27/88 (53 FR 2239)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AB86

2188. + POST 1991 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Final, Statutory, March 31, 1990.
Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the Model Year.

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking established light truck average fuel economy standards for Model Year 1992 and later years. This action was considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
Questionnaire to Manufacturers	01/06/89	54 FR 436
NPRM	02/02/90	55 FR 3608
NPRM Correction	02/14/90	55 FR 5338

DOT—NHTSA

Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	03/05/90	
Final Action	04/04/90	55 FR 12487
Final Action Effective	05/04/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/04/90 (55 FR 12487)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0846

RIN: 2127–AC51

2189. + HEAD RESTRAINTS - EXTEND TO MPVS, TRUCKS, AND BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: This final action extended the requirements of Federal Motor Vehicle Safety Standard No. 202 to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less. This issue was considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	12/13/88	53 FR 50047
NPRM Comment Period End	02/13/89	53 FR 50047
Final Action	09/25/89	54 FR 39183
Final Action Effective	09/01/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 09/25/89 (54 FR 39183)

Additional Information: Effective date of changing the CFR to reflect these amendments was 11/09/89. Expanded application of the standard is effective 09/01/91.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC06

2190. + INCENTIVE GRANT CRITERIA FOR DRUNK-DRIVING-PREVENTION PROGRAMS (SECTION 410)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 23 CFR 1313

Legal Deadline: Final, Judicial, November 18, 1989.
NHTSA was required to publish a final rule by November 18, 1989.

Abstract: Under the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, this rulemaking establishes regulations and criteria under which States may apply for and receive federal alcohol highway safety incentive grants. Grant criteria include prompt license suspension for Driving While Intoxicated (DWI) offenses, self-sustaining community DWI programs, mandatory alcohol blood testing, prevention of underage drivers from drinking, suspension of vehicle license plates and registration for DWI offenses, and prevention of open alcohol containers and drinking in cars. This rulemaking was significant under DOT policy and procedures because it will have substantial impact on State and local governments.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26783
NPRM Comment Period End	07/26/89	54 FR 26783
Final Action	01/12/90	55 FR 1185

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 01/12/90 (55 FR 1185)

Agency Contact: Lewis S. Buchanan, Chief, Driver Control Div, Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-2753

RIN: 2127–AD01

2191. + STANDARD 208; OCCUPANT CRASH PROTECTION - REAR SEAT LAP/SHOULDER BELTS, PHASE 2

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action responded to a petition by Stephanie Tombrello and will require rear seat lap/shoulder belts in light trucks, vans, MPVs, and small buses. This action was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 47982
NPRM Comment Period End	01/30/89	53 FR 47982
Final Action	11/02/89	54 FR 46257
Final Action Effective	05/01/90	54 FR 46257

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/02/89 (54 FR 46257)

Additional Information: Amendments of S7.1.1.3 and S7.1.1.5 are effective 09/01/91; all others are effective 05/01/90.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD12

2192. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest. However, findings of a study by the Transportation Research Board made further action here unnecessary and this review was terminated. The Board's report thoroughly explored all aspects of schoolbus and related safety issues, made full use of available statistics and other information, and

made conclusions and recommendations which NHTSA is acting upon in separate rulemakings.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	
Action Terminated	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AA65

2193. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multipurpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
Evaluation Report Published	01/25/88	53 FR 2516
End Review	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1574

RIN: 2127–AB16

2194. ODOMETER DISCLOSURE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1981

CFR Citation: 49 CFR 580

Legal Deadline: Other, Statutory, December 28, 1989.
Deadline under APA for responding to petitions for reconsideration of final rule.

Abstract: The final rule permits, in limited circumstances when a title document is physically held by a lienholder, or has been lost, the use of a secure power of attorney document for the purpose of mileage disclosure. The rule also clarifies the definition of transferor and transferee, clarifies the certification requirement, requires the transferee to return to the transferor a signed copy of the odometer disclosure statement, and requires that title reassignment documents be issued by the states. Petitions for reconsideration of the final rule are under review.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2171
NPRM Comment Period End	01/30/89	
NPRM	03/08/89	54 FR 9858
Interim Final Rule	03/08/89	54 FR 9809
Denial of Petitions for Reconsider-ation of 1988 Final Rule	03/08/89	54 FR 9816
Grant of Extensions of Time	05/01/89	54 FR 18516
Final Action	08/30/89	54 FR 35879
Final Action Effective	08/30/89	54 FR 35879
Correction to Final Rule	09/29/89	54 FR 40083
Reconsideration Denied	02/22/90	55 FR 6257

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/30/89 (54 FR 35879)

Additional Information: This action amends the final rule issued 08/05/88 (53 FR 29464). Extensions to the compliance data appeared in the Federal Register as follows: 03/22/89 starting at 54 FR 11729; 04/17/89 starting at 54 FR 15197; 04/26/89 starting at 54 FR 17950; 05/01/89 starting at 54 FR 18507. Portions of the final rule concerning the power-of-attorney form, sections 580.5(b), .8 (c), and .13 through .16 were effective 08/30/89.

Agency Contact: Mattie Cohan, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, DOT/NHTSA, 400 Seventh Street, SW., Room 5219, Washington, DC 20590, 202 366-1834

RIN: 2127–AC42

2195. ● NEAR-TERM HEADLIGHTING REFORM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This notice responds to petitions for reconsideration of the final rule amending Motor Vehicle Safety Standard No. 108 that was published on May 9, 1989 (54 FR 20066). It clarifies that High Intensity Discharge headlighting systems are not excluded as integral beam headlighting systems. Definitions of "beam contributor" and "vehicle headlamp aiming device" are adopted.

Timetable:

Action	Date	FR Cite
Final Action	02/08/90	55 FR 4424
Final Action Effective	03/12/90	55 FR 4424

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Effective date for requirements of S7.7.2.1 and S7.7.5.2(b) relating to information to be provided on a label on the vehicle, and in the operator's manual, are effective September 1, 1990.

Agency Contact: William A. Boehly, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC53

2196. STANDARD 115; VEHICLE IDENTIFICATION NUMBER AND PART 567 - CERTIFICATION REGULATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1912; 15 USC 1915; 15 USC 2022; 15 USC 2026; 15 USC 2120

CFR Citation: 49 CFR 571.115; 49 CFR 567

Legal Deadline: None

Abstract: The agency amended Federal Motor Vehicle Safety Standard No. 115 and Part 567 with regard to vehicles not originally manufactured for sale in the United States and that do not comply with Federal motor vehicle safety standards, but that are imported into this country by businesses unaffiliated with the original manufacturer. These vehicles often are labelled with "homemade" 17 digit Vehicle Identification Numbers (VIN). Under the proposal, the importer would label the vehicle partially exempt from Standard No. 115 and direct interested parties to the location of the original manufacturers's number to be used in lieu of the VIN. The agency took this action in response to a petition from the National Automobile Theft Bureau (NATB).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17088
NPRM Comment Period End	06/27/88	53 FR 17088
Final Action	11/02/89	54 FR 46253
Final Action Effective	12/04/89	54 FR 46253

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/02/89 (54 FR 46253)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC65

2197. BATTERY EXPLOSIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Petition to provide protection against battery explosions by providing a plastic barrier attached to the battery was received from Dr. Abraham. Analysis determined corrective actions were not needed.

Timetable:

Action	Date	FR Cite
Petition Denied	10/12/89	54 FR 41854

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC67

2198. CONSUMER INFORMATION REGULATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: An NPRM granted a petition by Motor Voters requesting that NHTSA require motor vehicle manufacturers to include information in their vehicle owner's manual advising owners about the agency's defect authority and providing them with the agency's Auto Safety Hotline. To encourage owners to report defects and to facilitate their doing so, this final rule amends the agency's Consumer Information Regulations to require manufacturers to provide the requested information.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45527
NPRM Comment Period End	12/27/88	53 FR 45527
Final Action	11/27/89	54 FR 48745
Final Action Effective	09/01/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/27/89 (54 FR 48745)

Agency Contact: Marvin L. Shaw, Attorney, Department of Transportation, National Highway Traffic Safety Administration, NHTSA - NCC-20, 400 7th Street, SW., Washington, DC 20590, 202 366-2992

RIN: 2127–AC72

2199. STANDARDS 105 AND 121; HYDRAULIC AND AIR BRAKE SYSTEMS - BRAKE ADJUSTERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None

Abstract: Final rule amended the standards to require that if a vehicle is equipped with automatic brake adjusters they must be connected during burnishing and testing. This amendment will provide a consistent procedure for the two standards.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
NPRM Comment Period End	08/26/83	48 FR 29560
Final Action	09/29/89	54 FR 40080
Final Action Effective	09/01/91	54 FR 40080

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40080)

Additional Information: Optional compliance was permitted as of 10/30/89.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC76

2200. TRACTOR-TRAILER FIFTH WHEEL; FALSE LATCHING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The petitioner claimed that it is possible to "high-hitch" or false latch the fifth wheel and the kingpin when connecting a trailer to the towing tractor. (The fifth wheel is the coupling unit on the tractor that allows the unit to be joined and towed through a wide range of articulation.) Petitioner requested the agency to write a

standard that would not allow false latching of the tractor trailer fifth wheel. Information was requested on separation of tractor trailers, availability of accident data, information on the cost of changing the present designs, and performance tests should a standard be considered. Upon review of comments received, it was determined that the requested action was not necessary

Timetable:

Action	Date	FR Cite
Request for Comments and Petition Granted	08/18/88	53 FR 31378
ANPRM	08/28/89	54 FR 35515
ANPRM Comment Period End	10/12/89	54 FR 35515
Withdrawn	12/04/89	54 FR 50005

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This project was considered jointly with FHWA, although NHTSA was responsible for compiling the information received.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC83

2201. CONFIDENTIAL BUSINESS INFORMATION

Significance: Nonsignificant

Legal Authority: 15 USC 1401; 15 USC 1402; 15 USC 1407; 15 USC 1418; 15 USC 1914; 15 USC 1944; 15 USC 1990d; 15 USC 2005; 15 USC 2029; 15 USC 322; 15 USC 552

CFR Citation: 49 CFR 512

Legal Deadline: None

Abstract: Revisions to the existing regulation were necessary to ensure efficient processing of business information received by the National Highway Safety Administration pursuant to Exemption 4 of the Freedom of Information Act. This action clarified certain provisions, revised certain sections to conform to statutory and case law, included additional class determinations, and responded to a petition from General Motors Corporation, recommending that the agency consider adding a presumptive class determination.

Timetable:

Action	Date	FR Cite
NPRM	07/07/89	54 FR 28696
NPRM Comment Period End	08/21/89	
Final Action	11/28/89	54 FR 48892
Final Action Effective	11/28/89	54 FR 48892

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/07/89 (54 FR 28696)

Agency Contact: William Fox, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1834

RIN: 2127–AC95

2202. REGISTERED IMPORTERS OF NONCONFORMING VEHICLES

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 592, (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action implements those provisions of PL 100-562 that will restrict importation of nonconforming vehicles, not otherwise exempted, to persons who have registered with the Department as undertaking to provide certification that the vehicles have been conformed after entry, or to persons who have contracted with importers registered with the Department to undertake conformance work, by establishing the requirements for obtaining and maintaining registration.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17780
NPRM Comment Period End	06/26/89	
Final Action	09/29/89	54 FR 40083
Final Action Effective	10/30/89	54 FR 40083
Final Rule; Amendment	11/09/89	54 FR 47087

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/29/89 (54 FR 40083)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC, 202 366-5263

RIN: 2127–AC97

2203. SCHEDULE OF FEES AUTHORIZED BY THE IMPORTED VEHICLE SAFETY COMPLIANCE ACT

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 594, (New)

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: The Act requires NHTSA to establish different fees concerning the importation of motor vehicles into the United States. Final rule established fees relating to the administration of the registered importer program, fees to cover costs associated with the agency's determination whether a motor vehicle is eligible for importation into the United States, and fees to allow reimbursement of the U.S. Customs Service for costs incurred in processing the bond that is required when certain nonconforming vehicles are imported.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17792
NPRM Comment Period End	06/26/89	
Final Action	09/29/89	54 FR 40100
Final Action Effective	09/30/89	54 FR 40100
Correction to Final Rule	01/02/90	55 FR 78

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/29/89 (54 FR 40100)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room

5219, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AC98

2204. NONCONFORMING VEHICLES: ELIGIBILITY FOR IMPORTATION

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 593, (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action implemented provisions of PL 100-562 that restrict importation of vehicles not certified as meeting Federal Motor Vehicle Safety Standards to those which NHTSA has determined in fact conform, or can be modified to conform, with such standards.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17786
NPRM Comment Period End	06/26/89	
Final Action	09/29/89	54 FR 40093
Final Action Effective	10/30/89	54 FR 40093

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/29/89 (54 FR 40093)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AC99

2205. IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 591, (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action implemented those provisions of PL 100-562 that modify the existing procedures applicable to the importation into the United States of motor vehicles and equipment subject to the Federal Motor Vehicle Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17772
NPRM Comment Period End	06/26/89	
Final Action	09/29/89	54 FR 40069
NPRM Amending; Comment Period Closed 12/29/89	11/29/89	54 FR 49098
Final Action Effective	01/31/90	54 FR 40069
Action on Petitions for Reconsideration; Final Rule	02/05/90	55 FR 3742
Correction to Final Rule	02/28/90	55 FR 6994
Amendment to Final Rule	03/28/90	55 FR 11375

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40069)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AD00

2206. INSURER REPORTING REQUIREMENTS; LIST OF INSURERS REQUIRED TO FILE REPORTS IN OCTOBER 1989

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: This notice listed the subject insurers required to file annual reports with this agency on motor vehicle theft, unless exempt from filing such reports. The listing of insurance companies in this notice was derived from 1987 data provided by A. M. Best, whose data are based on reports submitted voluntarily by the insurance companies. Those insurance companies included on the final rule listing were required to file reports for the 1989 calendar year not later than October 25, 1989. Any insurance company not on the final list was not required to file a report for the 1989 calendar year.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 22921
NPRM Comment Period End	07/14/89	
Final Action	11/02/89	54 FR 46252
Final Action Effective	12/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD14

2207. FINAL LISTING OF HIGH THEFT LINES FOR MODEL YEAR 1990

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The purpose of this notice is to report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the model year 1990 and publish a list of those car lines. The agency has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lines, as well as the new lines that were introduced for the 1990 model year and that have been selected as likely high theft lines. This notice is revised yearly (each model year).

Timetable:

Action	Date	FR Cite
Final Action	09/20/89	54 FR 38684

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The final listing in the Federal Register inadvertently used RIN AC96, which was the RIN for the 1989 model year and is no longer active. The correct RIN for model year 1990 is AD15.

DOT—NHTSA **Completed Actions**

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD15

2208. STANDARD 108; COLOR-CODED REAR LIGHTING

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Mr. Freeman petitioned to request permission for production of a new color-coded rear signalling device for motor vehicles. As the request did not constitute a petition for rulemaking action, it was resolved by a letter of interpretation from NHTSA 08/89.

Timetable:

Action	Date	FR Cite
Final Action	08/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD19

2209. STANDARDS FOR NEW PNEUMATIC TIRES - LISTING OF STANDARDIZATION ORGANIZATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109; 49 CFR 571.119; 49 CFR 571.120

Legal Deadline: None

Abstract: In the agency's safety standards applicable to new pneumatic tires for use on motor vehicles, there are listings of standardization organizations whose publications of specifications are accepted under the standards as means for determining appropriate rim sizes on which to mount the tire during testing, and for providing other tire and rim technical data. The Tyre and Rim Association of Australia has been added to the list of standardization organizations, and certain technical amendments were made to the standards.

Timetable:

Action	Date	FR Cite
Final Action - Technical Amendments	09/18/89	54 FR 38385
Final Action Effective	09/18/89	54 FR 38385

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AD20

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Federal Railroad Administration (FRA)

2210. ● + SPECIAL SAFETY INQUIRY; RAILROAD REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: None

Legal Deadline: None

Abstract: This special inquiry will examine current railroad safety reporting requirements to determine whether the reporting process results in accurate and significant data. Methods of improving this process will be explored. This rulemaking is considered significant because of its safety implications.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/03/89 (54 FR 46497)

Additional Information: A Notice of Special Safety Inquiry appeared in the Federal Register 11/03/89 (54 FR 46497). However, it was subsequently postponed (55 FR 792) in order to be rescheduled to take place concurrently with a related hearing in the separate rulemaking on accident reporting requirements (RIN 2130-AA58).

Agency Contact: Mark Tessler, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0628

RIN: 2130–AA56

2211. ● + RAILROAD ACCIDENT REPORTING

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: FRA is soliciting comments and suggestions from the public regarding methods of improving FRA's injury and accident reporting system. This rulemaking is considered significant because of its safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/90	55 FR 9469
ANPRM Comment Period End	05/25/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/14/90 (55 FR 9469)

Agency Contact: Mark Tessler, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0628

RIN: 2130–AA58

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

2212. + RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: If necessary, rules on the inspection and maintenance of train-activated railroad-highway grade-crossing devices must be issued. An ANPRM announced public hearings and requested comments from the public to assist in evaluating future possible action to enhance public safety at these grade crossings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47554
Comment Period Extended to 01/17/89	01/03/89	54 FR 49
ANPRM Comment Period End	01/04/89	
Comment Period Extended to 02/01/89	01/30/89	54 FR 4320

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A public hearing, announced in the ANPRM, was held in Washington, DC, in December 1988.

This item was formerly recorded under RIN 2130-AA27, which is removed from the Agenda.

Agency Contact: Philip Olekszyk, Deputy Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0897

RIN: 2130–AA45

2213. + RAILROAD OPERATING PRACTICES; PROCEDURES FOR BRIDGE-WORKER SAFETY

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: A recently enacted statute requires FRA to issue necessary rules to protect workers performing tasks on bridges. FRA is studying the casualty data, the appropriate types of protection, and the respective roles of FRA and OSHA. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Edward R. English, Chief, Maintenance Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-9186

RIN: 2130–AA48

2214. + LOCOMOTIVE OPERATOR; QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is required to adopt qualification standards for locomotive operators. Major elements that could be included in such standards involve initial training, retraining, performance monitoring, testing and retesting, and general fitness criteria. Issues being explored include the structure of the program to resolve questions of whether a Federal license program or a railroad licensing program meeting Federal criteria will best achieve the statutory intent. This rulemaking is significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/11/89	54 FR 50890
Comment Period Extended to 05/04/90	01/24/90	55 FR 2395
NPRM Comment Period End	03/01/90	
Public Hearing Schedule	04/02/90	55 FR 12236

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/11/89 (54 FR 50890)

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh, St., SW., Washington, DC 20590, 202 366-0628

RIN: 2130–AA51

2215. + TRAIN OPERATION EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is required to issue necessary rules to provide for the recording of events relating to train operations and to ensure that devices recording those events are tamper-resistant. Aspects of the issue being explored include: determining the state of the art for such devices; the recordable events appropriate for accident investigation purposes; standards for "tamper resistance"; and regulatory structure. This project is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47557
Public Hearing Held 01/10/89	11/23/88	53 FR 47557
ANPRM Comment Period End	03/13/89	
NPRM	07/01/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/01/90

Agency Contact: Edward R. English, Chief, Maintenance Program Division, Department of Transportation, Federal Railroad Administration, 400 Seventh

DOT—FRA — Proposed Rule Stage

St., SW., Washington, DC 20590, 202 366-9178

RIN: 2130–AA53

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

2216. + RAILROAD ACCIDENT/INCIDENT REPORTS CLASSIFICATION AND NOTIFICATION OF RIGHT TO SUBMIT EMPLOYEE SUPPLEMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This project addresses possible problems of bias and inaccuracy in FRA's railroad data base. Although FRA investigates about 400 accidents a year and receives unsolicited information on a few more accidents, FRA's sole source of information on the great majority of railroad accidents is the railroad company itself. The proposed rule would require that the railroad provide written notification to any employee whom the railroad alleges to have caused a certain type of accident, informing the employee of the relevant allegations and of his or her right to file an accident statement with FRA. The proposed rule also would establish the format and filing procedures for such statements. Alternatives being considered are: (1) revising the reporting form itself to include boilerplate language regarding what, where, and how to file the employee statement and (2) requiring a separate notice to the employee with the same information. Potential costs have yet to be determined. This action is considered significant because of departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48560
Public Hearing Notice	12/01/88	53 FR 48560
NPRM Comment Period End	01/27/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/88 (53 FR 48560)

Additional Information: Former title: Railroad Accident/Incident Reports Classification and Investigations Permitting Employee Supplements.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-9252

RIN: 2130–AA44

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

2217. ● + ALCOHOL/DRUG REGULATIONS; MISCELLANEOUS AMENDMENTS AND FINAL RULE

Significance: Agency Priority

Legal Authority: 5 USC 431; 45 USC 437

CFR Citation: 49 CFR 217; 49 CFR 219; 49 CFR 225

Legal Deadline: None

Abstract: The FRA issued a final rule which makes amendments to existing regulations on Control of Alcohol and Drug Use in Railroad Operations and related provisions of other rules. The final rule encompasses improvements in the regulatory program discovered through experience and public comment, corrects and clarifies certain provisions, and conforms the original provisions of the rule to amendments issued with the random testing rule of November, 1988. This rulemaking is significant because of departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/27/89	54 FR 39646
Final Rule Amendments	09/27/89	54 FR 39644
Final Rule Amendments	09/27/89	54 FR 39716
Notice of Public HearingProposed Amendments	10/03/89	54 FR 40856
Final Rule Correction	10/04/89	54 FR 40879
NPRM Comment Period End	10/27/89	
Final Rule Amendment	12/26/89	54 FR 52944
Final Action - Final Rule and Republication	12/27/89	54 FR 53238
Final Action Effective	01/26/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/27/89 (54 FR 53238)

Agency Contact: Grady Cothen, Special Counsel, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0767

RIN: 2130–AA43

2218. + RAILROAD OPERATING PRACTICES—PROTECTION OF ON-TRACK SLEEPING QUARTERS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 218

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: Railroads use on-track equipment adapted for service as mobile sleeping quarters, in order to have large dormitories adjacent to work sites. A recently enacted statute required FRA to establish rules to protect those vehicles from the risk of being struck by other on-track vehicles. This project set out the required protective procedures and was therefore considered significant.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7219
NPRM Comment Period End	03/21/89	
Final Action	09/27/89	54 FR 39541
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7219)

Additional Information: A public hearing was held in Washington, DC, on 04/05/89.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-9252

RIN: 2130–AA46

2219. + SAFETY ENFORCEMENT PROCEDURES; DISQUALIFICATION OF EMPLOYEES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: FRA has been granted legal authority to disqualify an individual railroad employee who is shown to be unfit to perform safety-sensitive functions based on a violation of FRA's safety rules. The procedures adopted in this final rule are intended to assure the prompt and efficient conduct of disqualification proceedings while affording administrative due process to those against whom such proceedings are initiated. This rulemaking was considered significant because of departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49695
Public Hearing Held 01/05/89	12/09/88	53 FR 49695
NPRM Comment Period End	01/10/89	
Final Action	10/18/89	54 FR 42894
Final Action Effective	11/17/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/18/89 (54 FR 42894); Environmental Analysis 10/18/89 (54 FR 42894)

Agency Contact: Daniel Smith, Deputy Assistant Chief Counsel, for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh St., NW., Washington, DC 20590, 202 366-0637

RIN: 2130–AA49

2220. ● ADMINISTRATION OF ALASKA RAILROADS

Significance: Nonsignificant

Legal Authority: PL 97-468

CFR Citation: 49 CFR 240

Legal Deadline: None

Abstract: This action removed obsolete provisions concerning administration of the Alaska Railroad. The railroad was transferred from the Federal Government to the State of Alaska, terminating FRA's responsibilities for the administration of the railroad.

Timetable:

Action	Date	FR Cite
Final Action	02/07/90	55 FR 4177
Final Action Effective	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence I. Wagner, Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0628

RIN: 2130–AA57

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

2221. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED—NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: The proposed regulation would unify the Urban Mass Transportation Administration's civil rights requirements. This rulemaking is significant because of potential federalism implications as well as possible public interest. This rulemaking would improve the agency's civil rights regulations, assuring effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/00/90

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1990.

Agency Contact: Akira Sano, Associate Director for Civil Rights Policy, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW., Room 7412, Washington, DC 20590, 202 366-4018

RIN: 2132–AA01

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Urban Mass Transportation Administration (UMTA)

2222. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(i); 23 USC 103(e); 23 USC 142; PL 100-17, Sec 303

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: This regulation would implement section 303 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. It would define the procedures applicants must follow in developing fixed guideway projects. It also would set forth the means by which the agency will evaluate cost-effectiveness, the results of alternatives analysis, and the degree of local financial commitment as required by law. This regulation is significant because it involves important departmental policy. However, a provision of the Department of Transportation and Related Agencies Appropriations Act, 1990 (Pub. L. 101-164) prohibits the use of any funds made available by this Act to "implement or enforce" the proposed rule. Therefore, UMTA is awaiting clarification of how to proceed in view of the imposed restrictions.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17878
NPRM Comment Period End	06/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17878)

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0096**

RIN: 2132–AA34

2223. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR Part 770. The amendments also are intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/09/88 (53 FR 35178)

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA, RIN 2125-AB10.

Agency Contact: A. Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW., Room 9301, Washington, DC 20590, **202 366-0096**

RIN: 2132–AA19

2224. + BUS TESTING

Significance: Agency Priority

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, Pa. This regulation is significant because of the large amount of public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Comment Period Reopened Interim Final Rule	11/30/89	54 FR 49297
Final Action	09/01/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/25/89 (54 FR 22716); Regulatory Evaluation 08/23/89 (54 FR 35158)

Additional Information: Section 12(h) of the UMT Act, as amended, defines a "new bus model" as a "bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components." An interim final rule, applicable to certain classes of vehicles, is effective until October 1, 1990. A final rule will be published by September 1, 1990.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4011**

RIN: 2132–AA30

2225. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-17, Sec 337

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking will amend UMTA's "Buy America" requirements to implement new statutory provisions and reflect UMTA's experience with implementing the existing regulation. It is considered significant because of

DOT—UMTA

Final Rule Stage

substantial public interest and federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32994
Comment Period Extended to 11/14/88	10/27/88	53 FR 43457
NPRM Comment Period End	10/28/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 08/29/88 (53 FR 32994)

Additional Information: Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amended the "Buy America" provisions of section 165 of the Surface Transportation Assistance Act of 1982.

Agency Contact: Rita Daguillard, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1936

RIN: 2132–AA35

2226. CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: 49 USC 1607a(j)

CFR Citation: 49 CFR 639

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, November 28, 1987.

Abstract: This regulation would implement a statutory provision requiring UMTA to prescribe policies and procedures governing the eligibility for capital assistance under section 9 of the UMT Act, as amended, for leases of equipment and facilities where leasing is more cost-effective than purchase or construction.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18222
NPRM Comment Period End	07/19/88	53 FR 18222
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 05/20/88 (53 FR 18222)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW., Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA28

2227. PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING-STOCK PURCHASES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(j)

CFR Citation: 49 CFR 663

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires an independent pre-award and post-delivery audit of the purchase of transit rolling stock with UMTA assistance to assure compliance with Federal motor-vehicle safety standards, Buy America requirements, and adherence to bid specification requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40850
NPRM Comment Period End	12/19/88	
Final Action	04/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/18/88 (53 FR 40850)

Additional Information: Formerly titled Rolling Stock Purchase Audits

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA29

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Completed Actions

2228. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: The current UMTA regulation is adequate as drafted; there is no substantive change required. Accordingly, the rulemaking was withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
Withdrawn	01/04/90	55 FR 334

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" schoolbus service. The agency determined that the current regulation is adequate and withdrew this rulemaking.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of

DOT—UMTA **Completed Actions**

Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW., Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132–AA09

2229. PROJECT MANAGEMENT OVERSIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1619

CFR Citation: 49 CFR 633

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, September 29, 1987.

Abstract: This final rule implements a statutory provision that permits UMTA to use a portion of the funding of its major capital programs to hire outside contractors to perform project management oversight of major capital projects, and require an UMTA grantee constructing a major capital project to prepare and, after UMTA approval, implement a project management plan.

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29709
NPRM Comment Period End	10/13/87	52 FR 29709
Final Action	09/01/89	54 FR 36708
Final Action Effective	10/02/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/01/89 (54 FR 36708)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132–AA31

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Research and Special Programs Administration (RSPA)

2230. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: DOT lacks comprehensive data on the number, volume, and other statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative. This rulemaking is significant because of the public interest and safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Further action pending reauthorization of the Hazardous Materials Transportation Act.

Agency Contact: J. Nalevanko/H. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4484**

RIN: 2137–AB43

2231. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department has installed a new traffic and market data system for certificated and foreign air carriers called the T-100 system. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4383**

RIN: 2137–AB18

2232. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/BUSINESS CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, such as business class, these definitions may also be

DOT—RSPA **Prerule Stage**

outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Title was revised to include Business Class Passengers.

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB00

2233. CONFORMING GAS AND LIQUID PIPELINE WELDING STANDARDS: FINAL PHASE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action would be the last of a series of rulemakings undertaken to conform the gas and liquid pipeline welding standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB45

2234. ● PRESSURE TESTING PLASTIC PIPE

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.513(d)

Legal Deadline: None

Abstract: This action would permit thermoplastic pipe to be field pressure tested at temperatures above 100 degrees Fahrenheit under certain conditions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB85

2235. ● TRANSPORTATION OF A HAZARDOUS LIQUID AT 20 PERCENT OR LESS OF SPECIFIC MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: The Federal pipeline safety standards governing hazardous liquid pipelines do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe. When the standards were issued in 1969, these pipelines were thought not to pose an unreasonable risk to public safety because of their low operating stress levels. Since then, however, a number of accidents have been reported on low stress level pipelines, particularly involving harm to the environment. This rulemaking action would assess the need to extend the Federal safety standards to cover these low stress level pipelines (except gathering lines), and, if warranted, apply the standards to those pipelines.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Secretary of Transportation's Safety Review Task Force and the National Association of Pipeline Safety Representatives have separately recommended this action.

Agency Contact: L. M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB86

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2236. + HYDROSTATIC TESTING OF CERTAIN HAZARDOUS LIQUID PIPELINES

Significance: Regulatory Program

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines that are subject to Part 195. This rulemaking is

significant because of substantial public interest in the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Formerly entitled: Pressure Testing Existing Hazardous Liquid Pipelines.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB46

2237. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB15

2238. + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Many of the proposals put forth in the ANPRM will be handled in a manner consistent with the Pipeline Safety Reauthorization Act of 1988. Some will be further evaluated in special studies. The remainder will be withdrawn based on public comments on the ANPRM and recommendations of the Department's pipeline safety advisory committees.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/87	52 FR 4361
ANPRM Comment Period End	03/30/87	52 FR 4361
Notice Explaining Disposition of ANPRM Proposals	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: Docket No. PS-93

Agency Contact: L. Furrow, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB27

2239. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invites comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-200. Further action pending reauthorization of the Hazardous Materials Transportation Act.

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB37

2240. + QUALIFICATION OF PIPELINE PERSONNEL

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial State and congressional interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/90

DOT—RSPA

Proposed Rule Stage

Additional Information: Docket No. PS-94. Formerly entitled: Pipeline Operator Qualifications.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB38

2241. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173.177; 49 CFR 397

Legal Deadline: None

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM	10/05/88	53 FR 39114
Comment Period Extended to 12/13/88		
ANPRM Comment Period End	10/11/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC.

Agency Contact: J. Nalevanko/B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4484

RIN: 2137–AB42

2242. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of Congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/90

Additional Information: RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking.

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB48

2243. + PIPELINE SAFETY GRANT PROGRAM: MINIMUM REQUIREMENTS FOR ONE-CALL SYSTEMS

Significance: Agency Priority

Legal Authority: PL 100-561, Sec 303

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 1, 1990.

Abstract: This rulemaking proposes the issuance of requirements for the establishment and operation of appropriate one-call notification systems in areas containing underground gas or hazardous liquid pipeline facilities. The requirements are intended for adoption by States with agencies participating in the Federal/State pipeline safety grant-in-aid program. Adoption would be a consideration in determining reimbursement of State program costs. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Additional Information: This action is mandated by Pub. L. 100-561.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB66

2244. CARRIAGE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: This action proposes simplification and recodification of existing operating procedures for transportation of hazardous materials by motor vehicle as prescribed in Part 177.

DOT—RSPA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/90

Additional Information: Project 261-78

This project was formerly entitled: Revision of Operating Procedures for Motor Vehicles.

Agency Contact: R. Gassaway/A. Coates (FHWA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA07

2245. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	09/19/88	53 FR 36410
Periodic Update	09/20/89	54 FR 38790
Correction to Update	11/20/89	54 FR 47986
NPRM	07/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/20/89 (54 FR 38790)

Additional Information: Docket No. HM-166.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA44

2246. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: This action would eliminate existing specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA63

2247. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4545

RIN: 2137–AA92

2248. ● CONFIDENTIALITY OF DOMESTIC NONSTOP SEGMENT DATA AND ONFLIGHT MARKET INFORMATION FILED IN THE T-100 SYSTEM BY U.S. AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The Department issued a final rule on the T-100 Reporting System on November 16, 1988 (53 FR 46284). The nonstop segment data and onflight market information reported by the U.S. and foreign air carriers in this system was granted confidentiality for a three-year period. American Airlines filed a petition for rulemaking challenging the three-year period (Docket 46101). The Department found that the three-year period for international nonstop segment data and on-flight market information was appropriate, but would review the confidentiality period for domestic data (54 FR 31810, August 2, 1989). On January 16, 1990, Alaska Airlines filed a petition for rulemaking, challenging the 3-year period as it pertains to U.S. air carriers' international data (Docket 46710). This rulemaking will explore whether the 3-year period should be retained or revised for domestic data and whether U.S. air carriers should have access to international data filed by U.S. carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/90

DOT—RSPA **Proposed Rule Stage**

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1/Room 4125, 400 Seventh St., SW., Washington, DC 20590, **202 366-4383**

RIN: 2137–AB01

2249. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rule would require tank-car owners and repair facilities to inspect for cracks and other defects after certain tank-car repairs to assure that no defects exist. The proposal would include those issues which are the subject of several petitions filed in response to Docket HM-201B, "Shippers--Use of Tank-Car Tanks with Localized Thin Spots," RIN 2137-AB39.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment Period End	02/11/88	52 FR 46510
ANPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB40

2250. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious safety problem that has caused recent deaths and injuries. This rulemaking action proposes additional regulations to require installation of gas detection and alarm systems.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Docket No. PS-100

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB49

2251. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The ANPRM requested comments concerning ways to resolve the problems.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/90

Additional Information: Docket No. HM-176A

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB51

2252. GAS PIPELINES OPERATING ABOVE 72 PERCENT OF SPECIFIED MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This proposal would eliminate or qualify the "grandfather clause" of the natural gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/89	54 FR 50780
Correction to ANPRM	12/18/89	54 FR 51816
ANPRM Comment Period End	03/12/90	54 FR 50780

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Formerly entitled: Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher Than Permitted for New Pipelines.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration,

400 Seventh St., SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB53

2253. REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 174

Legal Deadline: None

Abstract: The purpose of the rulemaking is to update and rewrite the regulations contained in 49 CFR Parts 171 and 174 which govern the transportation of hazardous materials by rail.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: "Fumigation," RIN 2137-AB41, has been consolidated into this rulemaking.

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB55

2254. REVISION OF RSPA FORM 41 REPORT FOR CHANGES IN GAAP-FAS 95 STATEMENT OF CASH FLOWS, INVENTORY REQUIREMENTS, AND GROUP REVENUE REPORTING LEVELS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The accounting system that underpins the Form 41 Report is based on Generally Accepted Accounting Principles (GAAP) established by the Financial Accounting Standards Board. This board recently amended GAAP reporting disclosure standards by adding a Statement of Cash Flows. The Form 41 Report currently has a Statement of Financial Position. Unless there is some incompatibility with another aviation regulatory program, a proposed rule will be issued to replace the Statement of Financial Position with a Cash Flow Statement to maintain uniformity with GAAP. This rule would relieve large U.S. air carriers from the burden of preparing two different statements. Also, the rule would revise aircraft inventory reporting by requiring the reporting of airframe serial numbers and manufacturer's delivery dates which could be used to assess the age of aircraft. In addition, the operating revenue levels for various reporting groups would be adjusted for inflation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh St., SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB57

2255. RETEST REQUIREMENTS FOR DOT 8 AND 8AL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1804; 49 USC 1808

CFR Citation: 49 CFR 171.7

Legal Deadline: None

Abstract: This rulemaking would propose the incorporation by reference of the Compressed Gas Association's (CGA) Pamphlet C-13 entitled "Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders," 1985 edition. This pamphlet would set forth the guidelines for the testing and requalification of DOT cylinders used for transporting acetylene. (This proposal was previously contained in Docket No. HM-23.)

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB61

2256. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examines the need to establish a maximum allowable concentration and other control measures.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/89	54 FR 24361
ANPRM Comment Period End	09/05/89	54 FR 24361

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: Docket No. PS-106

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB63

2257. LEAKAGE SURVEYS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique is not as effective as other available methods, and leaks

have occurred in areas found safe by vegetation surveys. This action would require the use of alternative methods to meet the leak survey requirements, where appropriate, and clarify that leakage surveys must be conducted at least at 3-year minimum intervals on cathodically unprotected pipelines that are not electrically surveyed for corrosion.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB64

2258. PRESSURE REGULATORS SUBJECT TO INSPECTION AND TESTING

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.739

Legal Deadline: None

Abstract: This rulemaking would clarify which pressure regulators are subject to rules for inspection and testing of pressure regulating stations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB65

2259. PASSAGE OF INTERNAL INSPECTION DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 108; PL 100-561, Sec 207

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/00/90

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB71

2260. PROHIBITED PLACARDING AND PLACARD VISIBILITY

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This rulemaking proposes to amend section 172.502 to clarify that use of slogans on displays similar to placards is prohibited, and will request comments on methods to increase visibility of placards, especially in emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Project 89-1

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB75

2261. ● UPDATING REFERENCES TO ASTM SPECIFICATION D2513

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: The incorporation by reference of various provisions of the 1987 edition of the American Society for Testing and Materials (ASTM) Specification D2513, "Standard Specification for Thermoplastic Gas Pressure Piping Systems," would be revised to reference instead the 1988 edition, which is the latest published edition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2392**

RIN: 2137–AB79

2262. ● TRANSMISSION LINES SUPPLYING LARGE VOLUME CUSTOMERS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The definition of "transmission line" would be revised to clarify its application to pipelines connected to interstate transmission facilities that supply gas to large-volume customers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

DOT—RSPA **Proposed Rule Stage**

Government Levels Affected: Federal

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB80

2263. ● HEAT FUSION JOINTS IN PLASTIC PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.281(c)

Legal Deadline: None

Abstract: The heat fusion joining requirements for plastic pipe would be revised to include safety performance language covering all types of heat fusion joints, including saddle fusion joints.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This action was recommended by the National Association of Pipeline Safety Representatives.

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB81

2264. ● ATMOSPHERIC CORROSION

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195.416(h)

Legal Deadline: None

Abstract: The atmospheric corrosion control requirements for hazardous liquid pipelines would be modified to exclude lines for which the operator can demonstrate that a corrosive atmosphere does not exist.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB82

2265. ● DESIGN AND CONSTRUCTION OF WELDED BREAKOUT TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking proposes to incorporate by reference the American Petroleum Institute Standard 650 as the safety standard for the design and construction of welded breakout tanks.

Timetable:

Action	Date	FR Cite
NPRM	02/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This action was recommended by the National Association of Pipeline Safety Representatives.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB83

2266. ● SPLIT SERVICE LINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The definition of "service line" would be revised to classify as a service line a pipeline connected to a main that branches into two lines that supply gas to two single-family dwellings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2392

RIN: 2137–AB84

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA) **Final Rule Stage**

2267. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176; 49 CFR 178; 49 CFR 179

Legal Deadline: None

Abstract: This action will develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Rulemaking also includes former nonsignificant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials

DOT—RSPA **Final Rule Stage**

Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
ANPRM for RIN AA05	05/07/81	46 FR 25492
ANPRM for RIN AA11	06/05/81	46 FR 31294
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/16/82	47 FR 40816
ANPRM Comment Period End	01/13/83	47 FR 40816
NPRM	05/05/87	52 FR 16482
SNPRM Comment Period Extended to 02/26/88	09/08/87	52 FR 33906
NPRM Comment Period End	11/02/87	
Revised NPRM	11/06/87	52 FR 42772
SNPRM Comment Period Extended to 05/25/88	04/14/88	53 FR 12442
Supplemental NPRM and Extension of Comment Period to 3/9/89	11/14/88	53 FR 45868
SNPRM	07/26/89	54 FR 31158
SNPRM Comment Period End	10/24/89	
SNPRM Comment Period Reopened to 01/30/90	11/24/89	54 FR 48656

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/05/87 (52 FR 16482)

Additional Information: Docket No. HM-181. A decision on whether to proceed with a final rule will be made following review and evaluation of comments to the docket. RINs 2137-AA11, AA05, and AA93 have been consolidated into this rulemaking.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AA01

2268. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: None

Abstract: This action will propose to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown. This rulemaking is significant because of public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31144
NPRM Comment Period End	11/24/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31144)

Additional Information: Docket No. HM-126F. Public hearings were held on 10/3/89 in Salt Lake City, Utah, and on 10/11/89 in Washington, DC.

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB26

2269. + OPERATION AND MAINTENANCE PROCEDURES FOR PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. Also, a few additions and clarifying changes would be made to the hazardous liquid pipeline requirements. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel. A related rulemaking to provide procedures requiring operators to amend operation and maintenance plans, and make operators subject to enforcement sanctions for failure to maintain plans, is entitled Amendment of an Operator's Plans or Procedures (RIN 2137-AB77).

Timetable:

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46685
NPRM Comment Period End	02/05/90	54 FR 46685
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/06/89 (54 FR 46685)

Additional Information: Formerly entitled: Operation and Maintenance Procedures for Gas Pipelines. Docket No. PS-113.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration,

DOT—RSPA

Final Rule Stage

400 Seventh St., SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB44

2270. + EXCAVATION DAMAGE PREVENTION PROGRAMS FOR GAS AND HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672(a); 49 USC 2002(e)

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid pipeline operators to provide damage prevention programs and gas operators would have to expand their programs to cover rural areas. This is a significant action because of the widespread interest in the use of "one-call" programs to prevent damage to buried pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24747)

Additional Information: Docket No. PS-101. Formerly entitled: Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-2036

RIN: 2137–AB47

2271. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking would end the permitting of "interested" inspectors to perform inspections and testing of domestically manufactured low-pressure gas cylinders. It will be withdrawn until further evaluation of the proposal is undertaken.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	41 FR 1179
To be Withdrawn	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA08

2272. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/84 (49 FR 38164)

Additional Information: Docket No. HM-126E.

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA25

2273. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposes removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information:

This project was formerly entitled: Limitation Aboard Aircraft. Further action is awaiting completion of an FAA project.

Agency Contact: Ann Boylan, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA85

2274. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicited comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to

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require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	
To be Withdrawn	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199. Comments received on this docket generally oppose imposition of the requirements as proposed in the petition. Initial evaluation of the merits of the comments indicate that safety would not be significantly enhanced by the proposed requirements of the petition.

Agency Contact: J. Nalevanko/R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4484

RIN: 2137–AB35

2275. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment Period End	09/25/89	54 FR 27041
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27041)

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4560

RIN: 2137–AB50

2276. ETIOLOGIC AGENTS; PROPOSAL TO REMOVE THE 50 MILLILITER EXCEPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking proposes to revise the definition of an etiologic agent, and remove the 50-milliliter per package exemption for such agents.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45525
NPRM Comment Period End	01/18/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/10/88 (53 FR 45525)

Additional Information: Docket HM-142A

Agency Contact: Ann Boylan, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB56

2277. ELEVATED TEMPERATURE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking addresses regulation of hazardous materials offered for transportation at elevated temperatures.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38930
Comment Period Extendedto 2/20/90	11/15/89	54 FR 47539
NPRM Comment Period End	11/20/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/21/89 (54 FR 38930)

Additional Information: Docket No. HM-198A

Agency Contact: B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB58

2278. TRANSPORTATION OF RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: This proposal would require motor carriers of highway route controlled quantities (HRCQ) of radioactive materials to transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	54 FR 40272
Correction to NPRM	10/12/89	54 FR 41902
NPRM Comment Period End	12/28/89	

Next Action Undetermined

Small Entities Affected: Undetermined

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Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/29/89 (54 FR 40272)

Additional Information: Docket No. HM-164C

Agency Contact: R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB59

2279. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

Timetable:

Action	Date	FR Cite
Request for Comments	11/21/88	53 FR 46973
Comment Period End	12/23/88	
NPRM	11/14/89	54 FR 47454
NPRM Comment Period Extended to 05/11/90	02/08/90	55 FR 4445
NPRM Comment Period End	02/09/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/14/89 (54 FR 47454)

Additional Information: Docket HM-169A

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4545

RIN: 2137–AB60

2280. TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 211

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This action would amend the existing safety standards for hazardous liquid pipelines to include new standards necessary for the safe transportation of carbon dioxide by pipeline. This action is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	10/12/89	54 FR 41912
NPRM Comment Period End	12/11/89	54 FR 41912
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/12/89 (54 FR 41912)

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB72

2281. AMENDMENT OF AN OPERATOR'S PLANS OR PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1671 et seq; 49 USC 1861 et seq; 49 USC 2001 et seq

CFR Citation: 49 CFR 190; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: This was previously part of RIN 2137-AB44. The rule would specify criteria for requiring pipeline operators to amend their plans and procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46684
NPRM Comment Period End	12/06/89	54 FR 46684
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Non.

Analysis: Regulatory Evaluation 11/06/89 (54 FR 46684)

Agency Contact: Cesar DeLeon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB77

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

2282. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation

economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements. Due to other priority projects, this rulemaking has been terminated. However, it will be reactivated at a later date.

Timetable:

Action	Date	FR Cite
Action Terminated	02/05/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB16

2283. ● EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This rule requires additional emergency response information be included in shipping papers, carried on vehicles transporting hazardous materials, and be available at facilities handling hazardous materials during transportation. The final rule was amended on January 10, 1990, in response to petitions for reconsideration, and the effective date was extended to June 4, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing Held	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	08/20/87	52 FR 31486
NPRM Comment Period Extended to 12/22/87	09/04/87	52 FR 33611
NPRM Comment Period End	09/21/87	52 FR 31486
Final Action	06/27/89	54 FR 27138
Correction To Final Rule	07/07/89	54 FR 28750
Response to Petitions for Reconsideration	01/10/90	55 FR 870
Final Action Effective	04/02/90	54 FR 27138

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27138)

Additional Information: Docket HM-12C. Compliance with the final rule was authorized as of 07/31/89.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AA88

2284. SUBSIDIZED COMMUTER CARRIERS AND FOREIGN AIR CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249. Due to other priority projects, this rulemaking has been terminated. However, it will be reactivated at a later date.

Timetable:

Action	Date	FR Cite
Action Terminated	02/05/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4383

RIN: 2137–AB04

2285. STANDARDS FOR CONSTRUCTION OF FIREWORKS AND NOVELTIES; APPROVAL FOR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171; 49 CFR 173

Legal Deadline: None

Abstract: This final rule provides an exception from a requirement for the examination of certain fireworks and novelties by the Bureau of Explosives or the Bureau of Mines prior to their approval for transportation.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4348
NPRM Comment Period End	04/04/88	
Final Action	09/25/89	54 FR 39324
Correction to Final Rule	10/10/89	54 FR 41447
Final Action Effective	11/24/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/25/89 (54 FR 39324)

Additional Information: Formerly entitled Standards for Construction of Fireworks and Approval for Transportation.

Agency Contact: J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB36

2286. FUMIGATION

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 174

Legal Deadline: None

Abstract: This proposal would revise the placarding requirements in the Hazardous Materials Regulations (HMR) to recognize the requirements of the Environmental Protection Agency (EPA) which address the placarding of commodities which have been fumigated. Those portions of the HMR which address the fumigation placard would be removed from the HMR to avoid duplication with EPA's requirements for placarding commodities which have been fumigated.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2137-AB55	09/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: As this project has been consolidated into RIN 2137-AB55, Revision of Operating Requirements for Rail Carriage, it will no longer appear as a separate item in the Agenda.

Agency Contact: C. Strombom/E. Pritchard (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB41

2287. ● CONTROL OF DRUG USE IN NATURAL GAS, LIQUEFIED NATURAL GAS, AND HAZARDOUS LIQUID PIPELINE OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 199

Legal Deadline: None

Abstract: The final rule requires operators of pipeline facilities, other than master meter systems, used for the transportation of natural gas or hazardous liquids, and operators who produce and store liquefied natural gas, to have a drug program for individuals who perform specific safety-related functions. The final rule was amended on December 18, 1989, in response to petitions for reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25892
Notice of Public Hearing	07/14/88	53 FR 26615
Notice of Public Hearing	08/24/88	53 FR 32263
NPRM Comment Period End	09/06/88	53 FR 25892
Final Action	11/21/88	53 FR 47084
Final Action Effective	12/21/88	53 FR 47084
Modification of Implementation Dates	04/13/89	54 FR 14922
Partial Grant of Reconsideration	12/18/89	54 FR 51842

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Draft Regulatory Evaluation 07/08/88 (53 FR 25892); Final Regulatory Evaluation 11/21/88 (53 FR 47084)

Additional Information: Docket PS-102

Agency Contact: C. DeLeon, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB54

2288. ALTERNATIVE WELD DEFECT ACCEPTANCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: The safety standards for pipelines and liquefied natural gas facilities reference the workmanship standards of the American Petroleum Institute (API) "API 1104" for the acceptance of weld defects. Appendix A of the 1988 edition includes alternative acceptance criteria based on fracture mechanics. This action proposed to incorporate Appendix A by reference.

Timetable:

Action	Date	FR Cite
Action Terminated	12/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: This action was scheduled as part of an overall rulemaking to update the incorporation by reference of American Petroleum Institute Standard 1104, "Welding of Pipelines and Related Facilities." A final rule published July 3, 1989 (RIN 2137- AB68) updated references to the 17th edition, but excluded the Appendix, which contains fracture mechanics criteria for weld acceptability. Considering that the use of this Appendix is not widespread and operators may seek approval to use it through the waiver process, the project was determined to be unnecessary and it was terminated.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1640

RIN: 2137–AB67

2289. ● DELETION OF APPENDIX A TO 49 CFR PART 177

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: RSPA amended 49 CFR Part 177 by deleting Appendix A. Appendix A was a policy statement which was no longer necessary.

Timetable:

Action	Date	FR Cite
Final Action	02/08/90	55 FR 4423

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Gassaway, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB78

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2290. + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC app 1114(b); 46 USC app 1156

CFR Citation: 46 CFR 250

Legal Deadline: None

Abstract: This regulation establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies. This rulemaking is significant due to substantial public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Room 8117, Washington, DC 20590, **202 366-2282**

RIN: 2133–AA62

2291. + PROCEDURES GOVERNING THE EVALUATION OF BIDS FOR THE CARRIAGE OF PREFERRED CARGOES ON SUBSIDIZED VESSELS

Significance: Agency Priority

Legal Authority: 46 USC app 1114(b)

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This action would have solicited public comment to assist in evaluating requests received from an operator and another Department that MARAD expand the scope of its procedures concerning evaluation of bids for the carriage of preference cargoes to apply to all types of preference cargo, specifically including civilian purchased preference and military cargoes. Existing procedures apply only to bulk cargoes. While considered significant, this contemplated action is temporarily suspended because maritime procurement procedures are undergoing a comprehensive review.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-2323**

RIN: 2133–AA77

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Maritime Administration (MarAd)

2292. + REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

Significance: Agency Priority

Legal Authority: 46 USC app 705; 46 USC app 802; 46 USC app 803; 46 USC app 808; 46 USC app 835; 46 USC app 839; 46 USC app 841a; 46 USC app 1195; 46 USC app 1114(b); PL 100-710

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: These interim final regulations amend MARAD's regulations regarding transfers of interests in U.S. documented vessels and approval of vessel mortgagees and trustees pursuant to P.L. 100-710. Publication of an interim final rule permit implementation of the new law without a hiatus and would minimize transitional uncertainty among the corporate and financial communities that are affected. This rulemaking is considered significant because of substantial public interest. In view of comments received to the interim final rule, a new supplemental NPRM will be published.

Timetable:

Action	Date	FR Cite
ANPRM; RIN 2133-AA73	11/02/88	53 FR 44206
ANPRM - Comments End; RIN 2133-AA73	01/03/89	
Interim Final Rule	02/02/89	54 FR 5382
Correction to Interim Final Rule	02/27/89	54 FR 8195
NPRM; RIN 2133-AA73	03/10/89	54 FR 10168
NPRM - Comments End; RIN 2133-AA73	04/24/89	
NPRM (Supplemental)	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

Analysis: Regulatory Evaluation 02/02/89 (54 FR 5382)

Additional Information: The interim final rule was effective 02/02/89; the comment period ended 04/03/89. RIN 2133-AA73 was merged with this rule on 6/29/89.

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 7th St., SW., Washington, DC 20590, **202 366-5711**

RIN: 2133–AA79

DOT—MarAd

Proposed Rule Stage

2293. FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b); 46 USC app 1177

CFR Citation: 46 CFR 391

Legal Deadline: None

Abstract: The Maritime Administration and Department of the Treasury are jointly proposing to amend the regulations for determining the tax liability of participants in a Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (PL 99-514). This rulemaking is a companion to RIN 2133-AA65, which proposes to implement changes in regulations for administering the CCF, consistent with PL 99-514.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 05/00/90

Agency Contact: Jean E. McKeever, Chief, Division of Capital Assets, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-1905

RIN: 2133–AA78

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Final Rule Stage

2294. REQUIREMENTS FOR CONDUCTING VESSEL SUBSIDY CONDITION SURVEYS AND FOR ACCOMPLISHING SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b); 46 USC app 1173

CFR Citation: 46 CFR 272

Legal Deadline: None

Abstract: This regulation would amend and clarify current MARAD procedures for the administration of maintenance and repair subsidy and the requirement for condition surveys.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35509
NPRM Comment Period End	10/27/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 08/28/89 (54 FR 35509)

Agency Contact: John J. Davis, Chief, Div. of Ship Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW., Washington, DC 20590, 202 366-5776

RIN: 2133–AA64

2295. CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b); 46 USC app 1177; PL 99-514

CFR Citation: 46 CFR 390.391

Legal Deadline: None

Abstract: The Maritime Administration is amending its regulations concerning the Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (P.L. 99-514) relative to the operation of a CCF. This rulemaking proposes to amend the regulations at 46 CFR Part 390 governing the administration of a CCF to reflect changes made by PL 99-514. Other regulations are being developed jointly with the Department of the Treasury (IRS) to implement provisions of PL 99-514 relating to Federal Income Tax Aspects of the Capital Construction Fund (46 CFR 391). See RIN 2133-AA78.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43907
Correction to NPRM Preamble	11/14/88	53 FR 45783
Correction to NPRM	11/21/88	53 FR 46999
Comment Period Extended to 01/03/89	12/12/88	53 FR 49895
NPRM Comment Period End	12/15/88	53 FR 43907
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 05/00/90

Agency Contact: Jean E. McKeever, Chief, Div. of Capital Assets Management, Department of Transportation, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-1905

RIN: 2133–AA65

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Completed Actions

2296. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC app 1242(b); 46 USC app 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: This regulation requires provision of rates and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. Calculation of fair and reasonable rates is based on industry cost data supplied by participating carriers. It establishes requirements for submission of data on which the calculations are to be based. This rulemaking was significant because it concerned a matter on which there was substantial public interest. It clarified the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
First SNPRM Comments due 03/17/87	12/17/86	51 FR 45135
Second SNPRM Comments due 08/12/88	06/28/88	53 FR 24324
Public Hearing Notice	08/22/88	53 FR 31870
Final Action	11/29/89	54 FR 49080
Final Action Effective	01/01/90	54 FR 49080

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 11/29/89 (54 FR 49080)

Additional Information: This rulemaking was split from an earlier, completed rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN 2133-AA02). Cargo preference regulations were last revised in 1977 (49 CFR 381).

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-2323**

RIN: 2133–AA43

2297. + OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; EXCLUSION OF COMMERCIAL CARGOES RESERVED FOR U.S.-FLAG CARRIERS

Significance: Regulatory Program

Legal Authority: 46 USC app 1114

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: This rulemaking clarified MARAD policy that cargoes which are not preference cargoes, but are reserved to U.S.-flag vessels by agreement of countries which receive U.S. foreign assistance in the form of cash transfers (or any similar cash assistance program), are not "commercial" cargoes subject to foreign competition, and therefore are not subsidizable. This rulemaking was considered significant because it concerned a matter on which there was substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37536
Final Action	09/26/88	54 FR 37536
NPRM Comment Period End	11/25/88	
Final Action Effective	09/25/89	54 FR 39176

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/26/88 (53 FR 37536); Final Regulatory Evaluation 09/25/89 (54 FR 39176)

Agency Contact: Edmond Fitzgerald, Director, Off. of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW., Washington, DC 20590, **202 366-2400**

RIN: 2133–AA66

2298. + PROCEDURES RELATING TO THE CONDUCT OF HEARINGS UNDER THE MERCHANT MARINE ACT, 1936

Significance: Agency Priority

Legal Authority: 46 USC app 1114(b); 46 USC app 1175(c); 46 USC app 1223(a)

CFR Citation: 46 CFR 203 (New); 46 CFR 201

Legal Deadline: None

Abstract: This rulemaking established procedures relating to the conduct of hearings under the Merchant Marine Act, 1936, as amended, prior to approval of applications for operating differential subsidy. The procedures allow MARAD to render more timely decisions by providing alternatives to the conduct of evidentiary hearings, in appropriate circumstances. This rulemaking was significant because of substantial public interest in the award or amendment of ODS contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
NPRM Comment Period End	08/24/79	
Notice of Intent Re Policy Change	05/13/88	53 FR 17134
NPRM Comments Due 06/26/89	05/11/89	54 FR 20402
Final Action	04/03/90	55 FR 12353
Final Action Effective	05/03/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 05/11/89 (54 FR 20402)

Additional Information: This rulemaking is more limited in scope than what was to be developed in a 1979 NPRM, "Rules of Practice and Procedures for Hearing in ODS Applications." The RIN has been retained, although the title has been further revised.

Agency Contact: Murray A. Bloom, Chief, Division of Maritime Aids, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5164**

RIN: 2133–AA20

2299. WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b); 46 USC app 1283

DOT—MarAd **Completed Actions**

CFR Citation: 46 CFR 308

Legal Deadline: None

Abstract: This action amended MARAD's war risk insurance regulations to permit certain vessels registered in the Republic of the Marshall Islands to become eligible to apply for war risk insurance. Previously, only vessels registered under United States law, as well as certain vessels that are owned or controlled by U.S. citizens and registered under the laws of Panama, Honduras, Liberia, and the Bahamas, were eligible to apply for war risk insurance interim binders.

Timetable:

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48280
NPRM Comment Period End	01/08/90	54 FR 48280
Final Action	02/15/90	55 FR 5458
Final Action Effective	03/19/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 02/15/90 (55 FR 5458)

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2400

RIN: 2133–AA81

[FR Doc. 90-6978 Filed 04-20-90; 8:45 am]

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